

Senate File 2320 - Enrolled

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SENATE FILE 2320

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS AND INCLUDING
EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MISCELLANEOUS CORRECTIONS

Section 1. Section 2.28, Code 2007, is amended to read as follows:

2.28 TELLERS.

1. After the time for the meeting of the joint convention has been designated each house shall appoint three tellers, and the six shall act as judges of the election.

2. Canvassing the votes for governor and lieutenant governor shall be conducted substantially according to the provisions of sections 2.25 ~~to 2.28~~ through 2.27 and this section.

Sec. 2. Section 7K.1, subsection 2, paragraph i, Code 2007, is amended to read as follows:

i. Identify ways to reduce the achievement gap between white and ~~non-white~~ nonwhite, non-Asian students.

Sec. 3. Section 12C.16, subsection 1, paragraph b, Code Supplement 2007, is amended to read as follows:

b. (1) The credit union may deposit, maintain, pledge and assign for the benefit of the public officer in the manner provided in this chapter, securities approved by the public officer, the market value of which is not less than one hundred ten percent of the total deposits of public funds placed by that public officer in the credit union. The securities shall consist of any of the following:

(1) Direct obligations of, or obligations that are insured or fully guaranteed as to principal and interest by, the United States of America or an agency or instrumentality of the United States of America.

(2) Public bonds or obligations of this state or a political subdivision of this state.

(3) Public bonds or obligations of another state or a political subdivision of another state whose bonds are rated within the two highest classifications of prime as established by at least one of the standard rating services approved by the superintendent of banking pursuant to chapter 17A.

(4) To the extent of the guarantee, loans, obligations, or nontransferable letters of credit upon which the payment of principal and interest is fully secured or guaranteed by the United States of America or an agency or instrumentality of the United States of America or the United States central credit union, a corporate central credit union organized under section 533.213, or a corporate credit union organized under 12 C.F.R. } 704, and the rating of any one of such credit unions remains within the two highest classifications of prime established by at least one of the standard rating services approved by the superintendent of banking by rule pursuant to chapter 17A. The treasurer of state shall adopt rules pursuant to chapter 17A to implement this section.

(5) First lien mortgages which are valued according to practices acceptable to the treasurer of state.

(6) Investments in an open-end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. } ~~80(a)~~ 80a, which is operated in accordance with 17 C.F.R. } 270.2a=7.

(2) Direct obligations of, or obligations that are insured or fully guaranteed as to principal and interest by, the United States of America, which may be used to secure the deposit of public funds under subparagraph (1), subparagraph subdivision (a), include investments in an investment company

or investment trust registered under the federal Investment Company Act of 1940, 15 U.S.C. } 80a, the portfolio of which is limited to the United States government obligations

3 4 described in subparagraph (1), subparagraph subdivision (a),
3 5 and to repurchase agreements fully collateralized by the
3 6 United States government obligations described in subparagraph
3 7 (1), subparagraph subdivision (a), if the investment company
3 8 or investment trust takes delivery of the collateral either
3 9 directly or through an authorized custodian.

3 10 Sec. 4. Section 15.393, subsection 1, unnumbered paragraph
3 11 1, Code Supplement 2007, is amended to read as follows:

3 12 The department shall establish and administer a film,
3 13 television, and video project promotion program that provides
3 14 for the registration of projects to be shot on location in the
3 15 state. A project that is registered under the program is
3 16 entitled to the assistance provided in subsection 2. A fee
3 17 shall not be charged for registering. The department shall
3 18 not register a project unless the department determines that
3 19 all of the following criteria are met:

3 20 Sec. 5. Section 15.393, subsection 2, paragraph a,
3 21 subparagraph (2), Code Supplement 2007, is amended to read as
3 22 follows:

3 23 (2) A qualified expenditure by a taxpayer is a payment to
3 24 an Iowa resident or an Iowa-based business for the sale,
3 25 rental, or furnishing of tangible personal property or for
3 26 services directly related to the registered project including
3 27 but not limited to aircraft, vehicles, equipment, materials,
3 28 supplies, accounting, animals and animal care, artistic and
3 29 design services, graphics, construction, data and information
3 30 services, delivery and pickup services, ~~graphics~~, labor and
3 31 personnel, lighting, makeup and hairdressing, film, music,
3 32 photography, sound, video and related services, printing,
3 33 research, site fees and rental, travel related to Iowa distant
3 34 locations, trash removal and cleanup, and wardrobe. For the
3 35 purposes of this subparagraph, "labor and personnel" does not
4 1 include the director, producers, or cast members other than
4 2 extras and stand-ins. The department of revenue, in
4 3 consultation with the department of economic development,
4 4 shall by rule establish a list of eligible expenditures.

4 5 Sec. 6. Section 16.181, subsection 1, paragraph b,
4 6 subparagraph (1), Code Supplement 2007, is amended to read as
4 7 follows:

4 8 (1) Any assets received by the authority from the former
4 9 Iowa housing corporation.

4 10 Sec. 7. Section 35.9, subsection 1, paragraph a, Code
4 11 2007, is amended to read as follows:

4 12 a. The department may expend not more than six hundred
4 13 dollars per year for any one child who has lived in the state
4 14 of Iowa for two years preceding application for state
4 15 educational assistance, and who is the child of a person who
4 16 died prior to September 11, 2001, during active federal
4 17 military service while serving in the armed forces or during
4 18 active federal military service in the Iowa national guard or
4 19 other military component of the United States, to defray the
4 20 expenses of tuition, matriculation, laboratory and similar
4 21 fees, books and supplies, board, lodging, and any other
4 22 reasonably necessary expense for the child or children
4 23 incident to attendance in this state at an educational or
4 24 training institution of college grade, or in a business or
4 25 vocational training school with standards approved by the
4 26 department ~~of veterans affairs~~.

4 27 Sec. 8. Section 42.4, subsection 8, paragraph b,
4 28 subparagraph (2), Code Supplement 2007, is amended to read as
4 29 follows:

4 30 (2) Each holdover senatorial district to which
4 31 subparagraph (1) is not applicable shall elect a senator in
4 32 the year ending in two for a two-year term commencing in
4 33 January of the year ending in three. However, if more than
4 34 one incumbent state senator is residing in a holdover
4 35 senatorial district on the first Wednesday in February of the
5 1 year ending in two, and, on or before the first Wednesday in
5 2 February of the year ending in two, all but one of the
5 3 incumbent senators resigns from office effective no later than
5 4 January of the year ending in three, the remaining incumbent
5 5 senator shall represent the district in the senate for the
5 6 general assembly commencing in January of the year ending in
5 7 three. A copy of ~~the each~~ resignation must be filed in the
5 8 office of the secretary of state no later than five p.m. on
5 9 the third Wednesday in February of the year ending in two.

5 10 Sec. 9. Section 85.61, unnumbered paragraph 1, Code
5 11 Supplement 2007, is amended to read as follows:

5 12 In this chapter and chapters 86 and 87, unless the context
5 13 otherwise requires, the following definitions of terms shall
5 14 prevail:

5 15 Sec. 10. Section 85.61, subsection 1, Code Supplement
5 16 2007, is amended to read as follows:

5 17 1. The word "court" wherever used in this chapter and
5 18 chapters 86 and 87, unless the context shows otherwise, shall
5 19 be taken to mean the district court.

5 20 Sec. 11. Section 87.2, Code 2007, is amended to read as
5 21 follows:

5 22 87.2 NOTICE OF FAILURE TO INSURE.

5 23 1. An employer who fails to insure the employer's
5 24 liability as required by this chapter shall keep posted a sign
5 25 of sufficient size and so placed as to be easily seen by the
5 26 employer's employees in the immediate vicinity where working,
5 27 which sign shall read as follows:

5 28 NOTICE TO EMPLOYEES

5 29 You are hereby notified that the undersigned employer has
5 30 failed to insure the employer's liability to pay compensation
5 31 as required by law, and that because of such failure the
5 32 employer is liable to the employer's employees in damages for
5 33 personal injuries sustained by the employer's employees.

5 34 (Signed)

5 35 2. An employer coming under the provisions of this chapter
6 1 and chapters 85, 85A, 85B, and 86 who fails to comply with
6 2 this section or to post and keep the above notice in the
6 3 manner and form required, shall be guilty of a simple
6 4 misdemeanor.

6 5 Sec. 12. Section 97D.4, subsection 1, Code 2007, is
6 6 amended to read as follows:

6 7 1. A public retirement systems committee is established.

6 8 a. The committee consists of five members of the senate
6 9 appointed by the majority leader of the senate in consultation
6 10 with the minority leader and five members of the house of
6 11 representatives appointed by the speaker of the house in
6 12 consultation with the minority leader. ~~The committee shall~~
~~6 13 elect a chairperson and vice chairperson. Meetings may be~~
~~6 14 called by the chairperson or a majority of the members.~~

6 15 b. Members shall be appointed prior to January 31 of the
6 16 first regular session of each general assembly and shall serve
6 17 for terms ending upon the convening of the following general
6 18 assembly or when their successors are appointed, whichever is
6 19 later. A vacancy shall be filled in the same manner as the
6 20 original appointment and shall be for the remainder of the
6 21 unexpired term of the vacancy.

6 22 c. The committee shall elect a chairperson and vice
~~6 23 chairperson. Meetings may be called by the chairperson or a~~
~~6 24 majority of the members.~~

6 25 Sec. 13. Section 97D.4, subsection 4, Code 2007, is
6 26 amended to read as follows:

6 27 4. The committee may ~~contract~~:

6 28 a. Contract for actuarial assistance deemed necessary, and
6 29 the costs of actuarial studies are payable from funds
6 30 appropriated in section 2.12, subject to the approval of the
6 31 legislative council. ~~The committee may administer~~

6 32 b. Administer oaths, issue subpoenas, and cite for
6 33 contempt with the approval of the general assembly when the
6 34 general assembly is in session and with the approval of the
6 35 legislative council when the general assembly is not in
7 1 session.

7 2 5. Administrative assistance shall be provided by the
7 3 legislative services agency.

7 4 Sec. 14. Section 99B.10B, subsection 3, paragraph b,
7 5 subparagraph (1), Code Supplement 2007, is amended to read as
7 6 follows:

7 7 (1) If a written request for a hearing is not received
7 8 within thirty days after the mailing or service of the notice,
7 9 the denial, suspension, or revocation of a ~~registrant~~
7 10 registration shall become effective pending a final
7 11 determination by the department. The proposed action in the
7 12 notice may be affirmed, modified, or set aside by the
7 13 department in a written decision.

7 14 Sec. 15. Section 99F.12, subsection 2, Code Supplement
7 15 2007, is amended to read as follows:

7 16 2. The licensee shall furnish to the commission reports
7 17 and information as the commission may require with respect to
7 18 ~~its~~ the licensee's activities. The gross receipts and
7 19 adjusted gross receipts from gambling shall be separately
7 20 handled and accounted for from all other moneys received from
7 21 operation of an excursion gambling boat or from operation of a
7 22 racetrack enclosure or gambling structure licensed to conduct
7 23 gambling games. The commission may designate a representative
7 24 to board a licensed excursion gambling boat or to enter a
7 25 racetrack enclosure or gambling structure licensed to conduct

7 26 gambling games, ~~who~~. The representative shall have full
7 27 access to all places within the enclosure of the boat, the
7 28 gambling structure, or the racetrack enclosure, ~~who and shall~~
7 29 directly supervise the handling and accounting of all gross
7 30 receipts and adjusted gross receipts from gambling, ~~and who~~.
7 31 The representative shall supervise and check the admissions.
7 32 The compensation of a representative shall be fixed by the
7 33 commission but shall be paid by the licensee.
7 34 Sec. 16. Section 99G.30A, subsection 2, paragraph b, Code
7 35 2007, is amended to read as follows:
8 1 b. All powers and requirements of the director to
8 2 administer the state sales and use tax law are applicable to
8 3 the administration of the monitor vending machine excise tax,
8 4 including but not limited to the provisions of section 422.25,
8 5 subsection 4, sections 422.30, 422.67, and 422.68, section
8 6 422.69, subsection 1, sections 422.70 ~~to through~~ 422.75,
8 7 section 423.14, subsection 1 and subsection 2, paragraphs "b"
8 8 through "e", and sections 423.15, 423.23, 423.24, 423.25,
8 9 423.31 ~~to through~~ 423.35, 423.37 ~~to through~~ 423.42, 423.46,
8 10 and 423.47.
8 11 Sec. 17. Section 100.18, subsection 3, Code 2007, is
8 12 amended to read as follows:
8 13 3. This section does not require the following:
8 14 a. ~~The~~ installation of smoke detectors in multiple-unit
8 15 residential buildings which, on July 1, 1981, are equipped
8 16 with heat detection devices or a sprinkler system with alarms
8 17 approved by the state fire marshal.
8 18 ~~b. This section does not require the~~ The installation of
8 19 smoke detectors in hotels, motels, and dormitories equipped
8 20 with an automatic smoke detection system approved by the state
8 21 fire marshal.
8 22 Sec. 18. Section 101B.4, subsection 1, paragraph b, Code
8 23 Supplement 2007, is amended to read as follows:
8 24 b. The department may adopt a subsequent ASTM
8 25 international standard test method for measuring the ignition
8 26 strength of cigarettes upon a finding that the subsequent
8 27 method does not result in a change in the percentage of
8 28 full-length burns exhibited by any tested cigarette when
8 29 compared to the percentage of full-length burns the same
8 30 cigarette would exhibit when tested in accordance with ASTM
8 31 international standard E2187=04 and the performance standard
8 32 in this section.
8 33 Sec. 19. Section 103.1, subsection 8, Code Supplement
8 34 2007, is amended to read as follows:
8 35 8. "Electrical contractor" means a person affiliated with
9 1 an electrical contracting firm or business who is licensed by
9 2 the board as either a class A or class B master electrician
9 3 and who is also registered with the state of Iowa as a
9 4 contractor pursuant to chapter 91C.
9 5 Sec. 20. Section 103.6, Code Supplement 2007, is amended
9 6 to read as follows:
9 7 103.6 POWERS AND DUTIES.
9 8 1. The board shall:
9 9 ~~1- a.~~ Adopt rules pursuant to chapter 17A and in doing so
9 10 shall be governed by the minimum standards set forth in the
9 11 most current publication of the national electrical code
9 12 issued and adopted by the national fire protection
9 13 association, and amendments to the code, which code and
9 14 amendments shall be filed in the offices of the secretary of
9 15 state and the board and shall be a public record. The board
9 16 shall adopt rules reflecting updates to the code and
9 17 amendments to the code. The board shall promulgate and adopt
9 18 rules establishing wiring standards that protect public safety
9 19 and health and property and that apply to all electrical
9 20 wiring which is installed subject to this chapter.
9 21 ~~2- b.~~ Revoke, suspend, or refuse to renew any license
9 22 granted pursuant to this chapter when the licensee:
9 23 ~~a- (1)~~ Fails or refuses to pay any examination, license,
9 24 or renewal fee required by law.
9 25 ~~b- (2)~~ Is an electrical contractor and fails or refuses
9 26 to provide and keep in force a public liability insurance
9 27 policy and surety bond as required by the board.
9 28 ~~c- (3)~~ Violates any political subdivision's inspection
9 29 ordinances.
9 30 ~~The board may, in its discretion, revoke, suspend, or~~
9 31 ~~refuse to renew any license granted pursuant to this chapter~~
9 32 ~~when the licensee violates any provision of the national~~
9 33 ~~electrical code as adopted pursuant to subsection 1, this~~
9 34 ~~chapter, or any rule adopted pursuant to this chapter.~~
9 35 ~~3- c.~~ Adopt rules for continuing education requirements
10 1 for each classification of licensure established pursuant to

10 2 this chapter, and adopt all rules, not inconsistent with the
10 3 law, necessary for the proper performance of the duties of the
10 4 board.

10 5 ~~4. d.~~ Provide for the amount and collection of fees for
10 6 inspection and other services.

10 7 ~~2. The board may, in its discretion, revoke, suspend, or~~
~~10 8 refuse to renew any license granted pursuant to this chapter~~
~~10 9 when the licensee violates any provision of the national~~
~~10 10 electrical code as adopted pursuant to subsection 1, this~~
~~10 11 chapter, or any rule adopted pursuant to this chapter.~~

10 12 Sec. 21. Section 103.9, subsection 1, Code Supplement
10 13 2007, is amended to read as follows:

10 14 1. An applicant for an electrical contractor license shall
10 15 either be or employ a licensed class A or class B master
10 16 electrician, and be registered with the state of Iowa as a
10 17 contractor pursuant to chapter 91C.

10 18 Sec. 22. Section 103.22, subsections 1 and 3, Code
10 19 Supplement 2007, are amended to read as follows:

10 20 1. Apply to a person licensed as an engineer pursuant to
10 21 chapter 542B, registered as an architect pursuant to chapter
10 22 544A, licensed as a landscape architect pursuant to chapter
10 23 544B, or designated as lighting certified by the national
10 24 council on qualifications for the lighting professions who is
10 25 providing consultations and developing plans concerning
10 26 electrical installations and who is exclusively engaged in the
10 27 practice of the person's profession.

10 28 3. Require any person doing work for which a license would
10 29 otherwise be required under this chapter to hold a license
10 30 issued under this chapter if the person is the holder of a
10 31 valid license issued by any political subdivision, so long as
10 32 the person makes electrical installations only in within the
10 33 jurisdictional limits of such political subdivision and such
10 34 license issued by the political subdivision meets the
10 35 requirements of this chapter.

11 1 Sec. 23. Section 123A.2, subsection 9, Code Supplement
11 2 2007, is amended to read as follows:

11 3 9. "Good faith" means honesty in fact and the observance
11 4 of reasonable commercial standards of fair dealing in the
11 5 trade and defined and interpreted under section ~~554.2103~~
11 6 554.1201.

11 7 Sec. 24. Section 135N.5, subsection 1, Code Supplement
11 8 2007, is amended to read as follows:

11 9 1. The committee shall meet no less than four times per
11 10 year and is subject to chapters ~~20 and 21~~ and 22 relating to
11 11 open meetings and public records.

11 12 Sec. 25. Section 141A.9, subsection 2, paragraph i, Code
11 13 Supplement 2007, is amended to read as follows:

11 14 i. Pursuant to section 915.43, to a convicted or alleged
11 15 sexual assault offender; the physician or other health care
11 16 provider who orders the test of a convicted or alleged
11 17 offender; the victim; the parent, guardian, or custodian of
11 18 the victim if the victim is a minor; the physician of the
11 19 victim if requested by the victim; the victim counselor or
11 20 person requested by the victim to provide counseling regarding
11 21 the HIV-related test and results; the victim's spouse; persons
11 22 with whom the victim has engaged in vaginal, anal, or oral
11 23 intercourse subsequent to the sexual assault; members of the
11 24 victim's family within the third degree of consanguinity; and
11 25 the county attorney who may use the results as evidence in the
11 26 prosecution of sexual assault under chapter 915, subchapter
11 27 IV, or prosecution of the offense of criminal transmission of
11 28 HIV under chapter 709C. For the purposes of this paragraph,
11 29 "victim" means victim as defined in section 915.40.

11 30 Sec. 26. Section 147.14, subsection 23, Code Supplement
11 31 2007, is amended to read as follows:

11 32 23. For nursing home administrators, a total of nine
11 33 members: Four licensed nursing home administrators, one of
11 34 whom is the administrator of a nonproprietary nursing home;
11 35 three licensed members of any profession concerned with the
12 1 care and treatment of chronically ill or elderly patients who
12 2 are not nursing home administrators or nursing home owners;
12 3 and two members of the general public who are not licensed
12 4 under this chapter ~~147~~, have no financial interest in any
12 5 nursing home, and who shall represent the general public. A
12 6 majority of the members of the board constitutes a quorum.

12 7 Sec. 27. Section 159.20, Code 2007, is amended to read as
12 8 follows:

12 9 159.20 POWERS OF DEPARTMENT.

12 10 1. The department shall perform duties designed to lead to
12 11 more advantageous marketing of Iowa agricultural commodities.
12 12 The department may do any of the following:

12 13 1- a. Investigate the marketing of agricultural
12 14 commodities.
12 15 2- b. Promote the sale, distribution, and merchandising
12 16 of agricultural commodities.
12 17 3- c. Furnish information and assistance concerning
12 18 agricultural commodities to the public.
12 19 4- d. Cooperate with the college of agriculture and life
12 20 sciences of the Iowa state university of science and
12 21 technology in encouraging agricultural marketing education and
12 22 research.
12 23 5- e. Accumulate and diffuse information concerning the
12 24 marketing of agricultural commodities in cooperation with
12 25 persons, agencies, or the federal government.
12 26 6- f. Investigate methods and practices related to the
12 27 processing, handling, grading, classifying, sorting, weighing,
12 28 packing, transportation, storage, inspection, or merchandising
12 29 of agricultural commodities within this state.
12 30 7- g. Ascertain sources of supply for Iowa agricultural
12 31 commodities. The department shall prepare and periodically
12 32 publish lists of names and addresses of producers and
12 33 consignors of agricultural commodities.
12 34 8- h. Perform inspection or grading of an agricultural
12 35 commodity if requested by a person engaged in the production,
13 1 marketing, or processing of the agricultural commodity.
13 2 However, the person must pay for the services as provided by
13 3 rules adopted by the department.
13 4 9- i. Cooperate with the Iowa department of economic
13 5 development to avoid duplication of efforts between the
13 6 department and the agricultural marketing program operated by
13 7 the Iowa department of economic development.
13 8 10- j. Assist the office of renewable fuels and
13 9 coproducts and the renewable fuels and coproducts advisory
13 10 committee in administering the provisions of chapter 159A.
13 11 2. As used in this subchapter, "agricultural commodity"
13 12 means any unprocessed agricultural product, including animals,
13 13 agricultural crops, and forestry products grown, raised,
13 14 produced, or fed in Iowa for sale in commercial channels.
13 15 "Commercial channels" means the processes of sale of an
13 16 agricultural commodity or unprocessed product from the
13 17 agricultural commodity to any person, public or private, who
13 18 resells the agricultural commodity for breeding, processing,
13 19 slaughter, or distribution.
13 20 Sec. 28. Section 175A.2, subsection 1, Code 2007, is
13 21 amended to read as follows:
13 22 1. A grape and wine development commission is established
13 23 within the department. The commission shall be composed of
13 24 the following persons:
13 25 a. The following persons, or their designees, who shall
13 26 serve as nonvoting, ex officio members:
13 27 (1) The secretary of agriculture.
13 28 (2) The dean of the college of agriculture and life
13 29 sciences of Iowa state university of science and technology.
13 30 (3) The director of the department of economic
13 31 development.
13 32 (4) The director of the department of natural resources.
13 33 b. The following persons appointed by the secretary of
13 34 agriculture, who shall serve as voting members:
13 35 (1) Two growers.
14 1 (2) Two winemakers.
14 2 (3) One retail seller.
14 3 c. The secretary of agriculture shall appoint the voting
14 4 members based on a list of nominations submitted by
14 5 organizations representing growers, winemakers, and retail
14 6 sellers as certified by the department according to
14 7 requirements of the department. Appointments of voting
14 8 members are subject to the requirements of sections 69.16 and
14 9 69.16A. In addition, the appointments shall be geographically
14 10 balanced. Unless the secretary of agriculture determines that
14 11 it is not feasible, at least one person appointed as a voting
14 12 member shall reside in each of the state's congressional
14 13 districts at the time of appointment. The secretary of
14 14 agriculture's appointees shall be confirmed by the senate,
14 15 pursuant to section 2.32.
14 16 Sec. 29. Section 178.3, subsection 2, Code 2007, is
14 17 amended to read as follows:
14 18 2. The dean of the college of agriculture and life
14 19 sciences of the Iowa state university of science and
14 20 technology.
14 21 Sec. 30. Section 181.3, subsection 1, paragraph d, Code
14 22 2007, is amended to read as follows:
14 23 d. The dean of the college of agriculture and life

14 24 sciences of Iowa state university of science and technology or
14 25 a designee, who shall serve as a voting ex officio member.
14 26 Sec. 31. Section 182.5, Code 2007, is amended to read as
14 27 follows:
14 28 182.5 COMPOSITION OF BOARD.
14 29 The Iowa sheep and wool promotion board established under
14 30 this chapter shall be composed of nine producers, one from
14 31 each district. The dean of the college of agriculture and
14 32 life sciences of Iowa state university of science and
14 33 technology or the dean's representative and the secretary or
14 34 the secretary's designee shall serve as ex officio nonvoting
14 35 members of the board. The board shall annually elect a
15 1 chairperson from its membership.
15 2 Sec. 32. Section 183A.2, Code 2007, is amended to read as
15 3 follows:
15 4 183A.2 IOWA PORK PRODUCERS COUNCIL.
15 5 The Iowa pork producers council is created. The council
15 6 consists of seven members, including two producers from each
15 7 of three districts of the state designated by the secretary,
15 8 and one producer from the state at large. The secretary shall
15 9 appoint these members. The Iowa pork producers association
15 10 may recommend the names of potential members, but the
15 11 secretary is not bound by the recommendations. The secretary,
15 12 the dean of the college of agriculture and life sciences of
15 13 Iowa state university of science and technology, and the state
15 14 veterinarian, or their designees, shall serve on the council
15 15 as nonvoting ex officio members.
15 16 Sec. 33. Section 185.3, subsection 2, paragraph b, Code
15 17 2007, is amended to read as follows:
15 18 b. The dean of the college of agriculture and life
15 19 sciences of Iowa state university of science and technology or
15 20 the dean's designee.
15 21 Sec. 34. Section 185C.10, subsection 2, Code 2007, is
15 22 amended to read as follows:
15 23 2. The dean of the college of agriculture and life
15 24 sciences of Iowa state university of science and technology or
15 25 the dean's designee.
15 26 Sec. 35. Section 214A.2B, Code Supplement 2007, is amended
15 27 to read as follows:
15 28 214A.2B LABORATORY FOR MOTOR FUEL AND BIOFUELS.
15 29 A laboratory for motor fuel and biofuels is established at
15 30 a merged area school which is engaged in biofuels testing on
15 31 July 1, 2007, and which testing includes but is not limited to
15 32 ~~B20~~ B=20 biodiesel testing for motor trucks and the ability of
15 33 biofuels to meet A.S.T.M. international standards. The
15 34 laboratory shall conduct testing of motor fuel sold in this
15 35 state and biofuel which is blended in motor fuel in this state
16 1 to ensure that the motor fuel or biofuels meet the
16 2 requirements in section 214A.2.
16 3 Sec. 36. Section 216.9, subsection 2, Code Supplement
16 4 2007, is amended to read as follows:
16 5 2. For the purpose of this section, "educational
16 6 institution" includes any preschool, elementary, or secondary
16 7 school, ~~or~~ community college, area education agency, or
16 8 postsecondary college or university and their governing
16 9 boards. This section does not prohibit an educational
16 10 institution from maintaining separate toilet facilities,
16 11 locker rooms, or living facilities for the different sexes so
16 12 long as comparable facilities are provided. Nothing in this
16 13 section shall be construed as prohibiting any bona fide
16 14 religious institution from imposing qualifications based on
16 15 religion, sexual orientation, or gender identity when such
16 16 qualifications are related to a bona fide religious purpose or
16 17 any institution from admitting students of only one sex.
16 18 Sec. 37. Section 231D.5, Code Supplement 2007, is amended
16 19 to read as follows:
16 20 231D.5 DENIAL, SUSPENSION, OR REVOCATION.
16 21 1. The department may deny, suspend, or revoke
16 22 certification if the department finds that there has been a
16 23 substantial or repeated failure on the part of the adult day
16 24 services program to comply with this chapter or the rules or
16 25 minimum standards adopted pursuant to this chapter, or for any
16 26 of the following reasons:
16 27 a. Appropriation or conversion of the property of a
16 28 participant without the participant's written consent or the
16 29 written consent of the participant's legal representative.
16 30 b. Permitting, aiding, or abetting the commission of any
16 31 illegal act in the adult day services program.
16 32 c. Obtaining or attempting to obtain or retain
16 33 certification by fraudulent means, misrepresentation, or by
16 34 submitting false information.

16 35 d. Habitual intoxication or addiction to the use of drugs
17 1 by the applicant, owner, manager, or supervisor of the adult
17 2 day services program.
17 3 e. Securing the devise or bequest of the property of a
17 4 participant by undue influence.
17 5 f. Failure or neglect to maintain a required continuing
17 6 education and training program for all personnel employed in
17 7 the adult day services program.
17 8 g. Founded dependent adult abuse as defined in section
17 9 235B.2.
17 10 h. In the case of any officer, member of the board of
17 11 directors, trustee, or designated manager of the program or
17 12 any stockholder, partner, or individual who has greater than a
17 13 five percent equity interest in the program, having or having
17 14 had an ownership interest in an adult day services program,
17 15 assisted living program, elder group home, home health agency,
17 16 residential care facility, or licensed nursing facility in any
17 17 state which has been closed due to removal of program, agency,
17 18 or facility licensure or certification or involuntary
17 19 termination from participation in either the medical
17 20 assistance or Medicare programs, or having been found to have
17 21 failed to provide adequate protection or services for
17 22 participants to prevent abuse or neglect.
17 23 i. In the case of a certificate applicant or an existing
17 24 certified owner or operator who is an entity other than an
17 25 individual, the person is in a position of control or is an
17 26 officer of the entity and engages in any act or omission
17 27 proscribed by this chapter.
17 28 ~~j. For any other reason as provided by law or~~
~~17 29 administrative rule.~~
17 30 2. ~~j.~~ In the case of an application by an existing
17 31 certificate holder for a new or newly acquired adult day
17 32 services program, continuing or repeated failure of the
17 33 certificate holder to operate any previously certified adult
17 34 day services program in compliance with this chapter or of the
17 35 rules adopted pursuant to this chapter.
18 1 ~~k. For any other reason as provided by law or~~
~~18 2 administrative rule.~~
18 3 3. ~~2.~~ In the case of a certificate applicant or existing
18 4 certificate holder which is an entity other than an
18 5 individual, the department may deny, suspend, or revoke a
18 6 certificate if any individual who is in a position of control
18 7 or is an officer of the entity engages in any act or omission
18 8 proscribed by this section.
18 9 Sec. 38. Section 234.7, subsection 1, Code 2007, is
18 10 amended to read as follows:
18 11 1. The department of human services shall comply with the
18 12 ~~following requirement~~ provision associated with child foster
18 13 care licensees under chapter 237+
18 14 ~~The department shall include that requires that a child's~~
18 15 ~~foster parent be included in, and provide be provided~~ timely
18 16 notice of, planning and review activities associated with the
18 17 child, including but not limited to permanency planning and
18 18 placement review meetings, which shall include discussion of
18 19 the child's rehabilitative treatment needs.
18 20 Sec. 39. Section 236.5, subsection 2, unnumbered paragraph
18 21 1, Code 2007, is amended to read as follows:
18 22 The court may grant a ~~protection~~ protective order or
18 23 approve a consent agreement which may contain but is not
18 24 limited to any of the following provisions:
18 25 Sec. 40. Section 236.5, subsection 2, unnumbered paragraph
18 26 2, Code 2007, is amended to read as follows:
18 27 An order for counseling, a ~~protection~~ protective order, or
18 28 approved consent agreement shall be for a fixed period of time
18 29 not to exceed one year. The court may amend or extend its
18 30 order or a consent agreement at any time upon a petition filed
18 31 by either party and after notice and hearing. The court may
18 32 extend the order if the court, after hearing at which the
18 33 defendant has the opportunity to be heard, finds that the
18 34 defendant continues to pose a threat to the safety of the
18 35 victim, persons residing with the victim, or members of the
19 1 victim's immediate family. At the time of the extension, the
19 2 parties need not meet the requirement in section 236.2,
19 3 subsection 2, paragraph "d", that the parties lived together
19 4 during the last year if the parties met the requirements of
19 5 section 236.2, subsection 2, paragraph "d", at the time of the
19 6 original order. The number of extensions that can be granted
19 7 by the court is not limited.
19 8 Sec. 41. Section 249A.30A, Code Supplement 2007, is
19 9 amended to read as follows:
19 10 249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE.

19 11 The personal needs allowance under the medical assistance
19 12 program, which may be retained by a person who is a resident
19 13 of a nursing facility, an intermediate care facility for
19 14 persons with mental retardation, or an intermediate care
19 15 facility for persons with mental illness, as defined in
19 16 section 135C.1, or a person who is a resident of a psychiatric
19 17 medical institution for children as defined in section 135H.1,
19 18 shall be fifty dollars per month. A resident who has income
19 19 of less than fifty dollars per month shall receive a
19 20 supplement from the state in the amount necessary to receive a
19 21 personal needs allowance of fifty dollars per month, if
19 22 funding is specifically appropriated for this purpose.

19 23 Sec. 42. Section 256C.3, subsection 4, paragraph d, Code
19 24 Supplement 2007, is amended to read as follows:

19 25 d. ~~Career Professional~~ development for school district
19 26 preschool teachers shall be addressed in the school district's
19 27 ~~career professional~~ development plan implemented in accordance
19 28 with section 284.6.

19 29 Sec. 43. Section 257.11, subsection 6, paragraph c, Code
19 30 Supplement 2007, is amended to read as follows:

19 31 c. Supplementary weighting pursuant to this subsection
19 32 shall be available to an area education agency for a maximum
19 33 of five years during the period commencing with the budget
19 34 year beginning July 1, 2008. The minimum amount of additional
19 35 funding for which an area education agency shall be eligible
20 1 is fifty thousand dollars, and the maximum amount of
20 2 additional funding for which an area education agency shall be
20 3 eligible is two hundred thousand dollars. The department of
20 4 management shall annually set a weighting for each area
20 5 education agency to generate the approved operational sharing
20 6 expense using the area education agency's special education
20 7 cost per pupil amount and foundation level. Receipt of
20 8 supplementary weighting by an area education agency for more
20 9 than one year shall be contingent upon the annual submission
20 10 of information by the district to the department documenting
20 11 cost savings directly attributable to the shared operational
20 12 functions. Criteria for determining the number of years for
20 13 which supplementary weighting shall be received pursuant to
20 14 this subsection, subject to the five-year maximum, and the
20 15 amount generated by the supplementary weighting, and for
20 16 determining qualification of operational functions for
20 17 supplementary weighting shall be determined by the department
20 18 by rule, through consideration of long-term savings by the
20 19 area ~~educational~~ education agency or increased student
20 20 opportunities.

20 21 Sec. 44. Section 308.3, subsections 1, 4, and 5, Code
20 22 2007, are amended to read as follows:

20 23 1. "Conservation area" means land in which the state
20 24 department of transportation or the department of natural
20 25 resources has acquired rights, other than that land necessary
20 26 for a ~~right of way~~ right-of-way.

20 27 4. ~~"Right of way"~~ "Right-of-way" means land area dedicated
20 28 to public use for a highway and its maintenance, and includes
20 29 land acquired in fee simple or by permanent easement for
20 30 highway purposes, but does not include temporary easements or
20 31 rights for supplementary highway appurtenances.

20 32 5. "A scenic and recreational highway" means a public
20 33 highway designated to allow enjoyment of aesthetic and scenic
20 34 views, points of historical, archaeological and scientific
20 35 interest, state parks and other recreational areas and
21 1 includes both the ~~right of way~~ right-of-way and conservation
21 2 area.

21 3 Sec. 45. Section 308.4, subsection 3, paragraph b, Code
21 4 2007, is amended to read as follows:

21 5 b. Accept and administer state, federal, and any other
21 6 public or private funds made available for the acquisition of
21 7 rights in land and for the planning and construction or
21 8 reconstruction of any segment of the great river road, and
21 9 state and federal funds for the maintenance of that part of
21 10 the great river road constituting the ~~right of way~~
21 11 right-of-way.

21 12 Sec. 46. Section 308.9, subsection 1, unnumbered paragraph
21 13 2, Code 2007, is amended to read as follows:

21 14 The state transportation commission shall give notice and
21 15 hold a public hearing on the matter in a convenient place in
21 16 the area to be affected by the proposed improvement of the
21 17 great river road. The state transportation commission shall
21 18 consider and evaluate the testimony presented at the public
21 19 hearing and shall make a study and prepare a map showing the
21 20 location of the proposed new or reconstructed segment of the
21 21 great river road and the approximate widths of ~~right of way~~

21 22 ~~right-of-way~~ needed. The map shall show the existing roadway
21 23 and the property lines and record owners of lands to be
21 24 needed. The approval of the map shall be recorded by
21 25 reference in the state transportation commission's minutes,
21 26 and a notice of the action and a copy of the map showing the
21 27 lands or interest in the lands needed in any county shall be
21 28 filed in the office of the county recorder of that county.
21 29 Notice of the action and of the filing shall be published once
21 30 in a newspaper of general circulation in the county, and
21 31 within sixty days following the filing, notice of the filing
21 32 shall be served by registered mail on the owners of record on
21 33 the date of filing. Using the same procedures for approval,
21 34 notice and publications, and notice to the affected record
21 35 owners, the state transportation commission may amend the map.

22 1 Sec. 47. Section 321.52, subsection 4, paragraph c, Code
22 2 Supplement 2007, is amended to read as follows:
22 3 c. A salvage theft examination shall be made by a peace
22 4 officer who has been specially certified and recertified when
22 5 required by the Iowa law enforcement academy to do salvage
22 6 theft examinations. The Iowa law enforcement academy shall
22 7 determine standards for training and certification, conduct
22 8 training, and may approve alternative training programs which
22 9 satisfy the academy's standards for training and
22 10 certification. The owner of the salvage vehicle shall make
22 11 the vehicle available for examination at a time and location
22 12 designated by the peace officer doing the examination. The
22 13 owner may obtain a permit to drive the vehicle to and from the
22 14 examination location by submitting a repair affidavit to the
22 15 agency performing the examination stating that the vehicle is
22 16 reasonably safe for operation and listing the repairs which
22 17 have been made to the vehicle. The owner must be present for
22 18 the examination and have available for inspection the salvage
22 19 title, bills of sale for all essential parts changed, and the
22 20 repair affidavit. The examination shall be for the purposes
22 21 of determining whether the vehicle or repair components have
22 22 been stolen. The examination is not a safety inspection and a
22 23 signed salvage theft examination certificate shall not be
22 24 construed by any court of law to be a certification that the
22 25 vehicle is safe to be operated. There shall be no cause of
22 26 action against the peace officer or the agency conducting the
22 27 examination or the county treasurer for failure to discover or
22 28 note safety defects. If the vehicle passes the theft
22 29 examination, the peace officer shall indicate that the vehicle
22 30 passed examination on the salvage theft examination
22 31 certificate. The permit and salvage theft examination
22 32 certificate shall be on controlled forms prescribed and
22 33 furnished by the department. The owner shall pay a fee of
22 34 thirty dollars upon completion of the examination. The agency
22 35 performing the examinations shall retain twenty dollars of the
23 1 fee and shall pay five dollars of the fee to the department
23 2 and five dollars of the fee to the treasurer of state for
23 3 deposit in the general fund of the state. Moneys deposited to
23 4 the general fund under this paragraph are subject to the
23 5 requirements of section 8.60 and shall be used by the Iowa law
23 6 enforcement academy to provide for the special training,
23 7 certification, and recertification of officers as required by
23 8 this subsection.

23 9 ~~The state department of transportation shall adopt rules in~~
23 10 ~~accordance with chapter 17A to carry out this section.~~

23 11 Sec. 48. Section 321.52, Code Supplement 2007, is amended
23 12 by adding the following new subsection:
23 13 NEW SUBSECTION. 5. The state department of transportation
23 14 shall adopt rules in accordance with chapter 17A to carry out
23 15 this section.

23 16 Sec. 49. Section 321J.15, Code 2007, is amended to read as
23 17 follows:

23 18 321J.15 EVIDENCE IN ANY ACTION.

23 19 Upon the trial of a civil or criminal action or proceeding
23 20 arising out of acts alleged to have been committed by a person
23 21 while operating a motor vehicle in violation of section 321J.2
23 22 or 321J.2A, evidence of the alcohol concentration or the
23 23 presence of a controlled substance or other drugs in the
23 24 person's body ~~substances~~ at the time of the act alleged as
23 25 shown by a chemical analysis of the person's blood, breath, or
23 26 urine is admissible. If it is established at trial that an
23 27 analysis of a breath specimen was performed by a certified
23 28 operator using a device intended to determine alcohol
23 29 concentration and methods approved by the commissioner of
23 30 public safety, no further foundation is necessary for
23 31 introduction of the evidence.

23 32 Sec. 50. Section 403A.6, Code 2007, is amended to read as

23 33 follows:

23 34 403A.6 OPERATION OF HOUSING NOT FOR PROFIT.

23 35 It is hereby declared to be the policy of this state that
24 1 each municipality shall manage and operate its housing
24 2 projects in an efficient manner so as to enable it to fix the
24 3 rentals or payments for dwelling accommodations at low rates
24 4 consistent with its providing decent, safe and sanitary
24 5 dwelling accommodations for persons of low income, and that no
24 6 municipality shall construct or operate any housing project
24 7 for profit, or as a source of revenue to the municipality. To
24 8 this end the municipality shall fix the rentals or payments
24 9 for dwellings in its projects at no higher rates than it shall
24 10 find to be necessary in order to produce revenues which,
24 11 ~~(together together~~ with all other available moneys, revenues,
24 12 income and receipts in connection with or for such projects
24 13 from whatever sources derived, including federal financial
24 14 ~~assistance)~~ assistance, will be sufficient ~~(1) to do all of~~
24 15 the following:

24 16 1. ~~to~~ To pay, as the same become due, the principal and
24 17 interest on the bonds issued pursuant to this chapter ~~-(2)-~~.
24 18 2. ~~to~~ To create and maintain such reserves as may be
24 19 required to assure the payment of principal and interest as it
24 20 becomes due on such bonds ~~-(3)-~~.
24 21 3. ~~to~~ To meet the cost of, and to provide for, maintaining
24 22 and operating the projects ~~(including, including~~ necessary
24 23 reserves therefor and the cost of any insurance, and of
24 24 administrative ~~expenses)~~ ~~and (4) expenses~~.
24 25 4. ~~to~~ To make such payments in lieu of taxes and, after
24 26 payment in full of all obligations for which federal annual
24 27 contributions are pledged, to make such repayments of federal
24 28 and local contributions as it determines are consistent with
24 29 the maintenance of the low-rent character of projects.
24 30 Rentals or payments for dwellings shall be established and the
24 31 projects administered, insofar as possible, so as to assure
24 32 that any federal financial assistance required shall be
24 33 strictly limited to amounts and periods necessary to maintain
24 34 the low-rent character of the projects.

24 35 Sec. 51. Section 403A.7, Code 2007, is amended to read as
25 1 follows:

25 2 403A.7 HOUSING RENTALS AND TENANT ADMISSIONS.

25 3 1. A municipality shall do the following:

25 4 ~~1-~~ a. Rent or lease the dwelling accommodations in a
25 5 housing project only to persons or families of low income and
25 6 at rentals within their financial reach.

25 7 ~~2-~~ b. Rent or lease to a tenant such dwelling
25 8 accommodations consisting of the number of rooms which it
25 9 deems necessary to provide safe and sanitary accommodations to
25 10 the proposed occupants without overcrowding.

25 11 ~~3-~~ c. (1) Fix income limits for occupancy and rents
25 12 after taking into consideration the following:

25 13 ~~a-~~ (a) The family size, composition, age, physical
25 14 disabilities, and other factors which might affect the
25 15 rent-paying ability of the person or family.

25 16 ~~b-~~ (b) The economic factors which affect the financial
25 17 stability and solvency of the project.

25 18 (2) However, such determination of eligibility shall be
25 19 within the limits of the income limits hereinbefore set out.

25 20 2. Nothing contained in this section or ~~the preceding~~
25 21 section 403A.6 shall be construed as limiting the power of a
25 22 municipality with respect to a housing project, to vest in an
25 23 obligee the right, in the event of a default by the
25 24 municipality, to take possession or cause the appointment of a
25 25 receiver for the housing project, free from all the
25 26 restrictions imposed by this section or ~~the preceding~~ section
25 27 403A.6.

25 28 Sec. 52. Section 423.4, subsection 8, paragraph d, Code
25 29 Supplement 2007, is amended to read as follows:

25 30 d. In determining the amount to be refunded, if the dates
25 31 of the utility billing or meter reading cycle for the sale or
25 32 furnishing of metered gas and electricity ~~is~~ are on or after
25 33 the first day of the first month through the last day of the
25 34 last month of the refund year, the full amount of tax charged
25 35 in the billings shall be refunded. In determining the amount
26 1 to be refunded, if the dates of the sale or furnishing of fuel
26 2 for purposes of commercial energy and the delivery of the fuel
26 3 ~~is~~ are on or after the first day of the first month through
26 4 the last day of the last month of the refund year, the full
26 5 amount of tax charged in the billings shall be refunded.

26 6 Sec. 53. Section 423B.6, subsection 2, paragraph b, Code
26 7 2007, is amended to read as follows:

26 8 b. The ordinance of a county board of supervisors imposing

26 9 a local sales and services tax shall adopt by reference the
26 10 applicable provisions of the appropriate sections of chapter
26 11 423. All powers and requirements of the director to
26 12 administer the state sales tax law and use tax law are
26 13 applicable to the administration of a local sales and services
26 14 tax law and the local excise tax, including but not limited to
26 15 the provisions of section 422.25, subsection 4, sections
26 16 422.30, 422.67, and 422.68, section 422.69, subsection 1,
26 17 sections 422.70 ~~to through~~ 422.75, section 423.14, subsection
26 18 1 and subsection 2, paragraphs "b" through "e", and sections
26 19 423.15, 423.23, 423.24, 423.25, 423.31 ~~to through~~ 423.35,
26 20 423.37 ~~to through~~ 423.42, 423.46, and 423.47. Local officials
26 21 shall confer with the director of revenue for assistance in
26 22 drafting the ordinance imposing a local sales and services
26 23 tax. A certified copy of the ordinance shall be filed with
26 24 the director as soon as possible after passage.

26 25 Sec. 54. Section 452A.53, Code 2007, is amended to read as
26 26 follows:

26 27 452A.53 PERMIT OR LICENSE.

26 28 1. The advance arrangements referred to in ~~the preceding~~
26 29 section ~~452A.52~~ shall include the procuring of a permanent
26 30 international fuel tax agreement permit or license or ~~single~~
26 31 ~~trip single-trip~~ interstate permit.

26 32 2. Persons choosing not to make advance arrangements with
26 33 the state department of transportation by procuring a permit
26 34 or license are not relieved of their responsibility to
26 35 purchase motor fuel and special fuel commensurate with their
27 1 use of the state's highway system. When there is reasonable
27 2 cause to believe that there is evasion of the fuel tax on
27 3 commercial motor vehicles, the state department of
27 4 transportation may audit persons not holding a permit or
27 5 license. Audits shall be conducted pursuant to section
27 6 452A.55 and in accordance with international fuel tax
27 7 agreement guidelines. The state department of transportation
27 8 shall collect all taxes due and refund any overpayment.

27 9 3. A permanent international fuel tax agreement permit or
27 10 license may be obtained upon application to the state
27 11 department of transportation. A fee of ten dollars shall be
27 12 charged for each permit or license issued. The holder of a
27 13 permanent permit or license shall have the privilege of
27 14 bringing into this state in the fuel supply tanks of
27 15 commercial motor vehicles any amount of motor fuel or special
27 16 fuel to be used in the operation of the vehicles and for that
27 17 privilege shall pay Iowa motor fuel or special fuel taxes as
27 18 provided in section 452A.54.

27 19 4. A ~~single-trip single-trip~~ interstate permit may be
27 20 obtained from the state department of transportation. A fee
27 21 of twenty dollars shall be charged for each individual ~~single~~
27 22 ~~trip single-trip~~ interstate permit issued. A ~~single-trip~~
27 23 ~~single-trip~~ interstate permit is subject to the following
27 24 provisions and limitations:

27 25 1- a. The permit shall be issued and be valid for
27 26 seventy-two consecutive hours, except in emergencies, or until
27 27 the time of leaving the state, whichever first occurs.

27 28 2- b. The permit shall cover only one commercial motor
27 29 vehicle and is not transferable.

27 30 3- c. ~~Single-trip Single-trip~~ interstate fuel permits may
27 31 be made available from sources other than indicated in this
27 32 section at the discretion of the state department of
27 33 transportation.

27 34 5. Each vehicle operated into or through Iowa in
27 35 interstate operations using motor fuel or special fuel
28 1 acquired in any other state shall carry in or on the vehicle a
28 2 duplicate or evidence of the permit or license required in
28 3 this section. A fee not to exceed fifty cents shall be
28 4 charged for each duplicate or other evidence of a permit or
28 5 license issued.

28 6 Sec. 55. Section 453A.31, subsection 2, paragraph c, Code
28 7 Supplement 2007, is amended to read as follows:

28 8 c. A one thousand dollar penalty for a third or subsequent
28 9 violation within three years of the first violation.

28 10 Sec. 56. Section 453A.50, subsection 3, paragraph a,
28 11 subparagraph (3), Code Supplement 2007, is amended to read as
28 12 follows:

28 13 (3) A one thousand dollar penalty for a third or
28 14 subsequent violation within three years of the first
28 15 violation.

28 16 Sec. 57. Section 455B.109, subsection 1, Code 2007, is
28 17 amended to read as follows:

28 18 1. The commission shall establish, by rule, a schedule or
28 19 range of civil penalties which may be administratively

28 20 assessed. The schedule shall provide procedures and criteria
28 21 for the administrative assessment of penalties of not more
28 22 than ten thousand dollars for violations of this chapter or
28 23 rules, permits or orders adopted or issued under this chapter.
28 24 In adopting a schedule or range of penalties and in proposing
28 25 or assessing a penalty, the commission and director shall
28 26 consider among other relevant factors the following:

- 28 27 a. The costs saved or likely to be saved by noncompliance
- 28 28 by the violator.
- 28 29 b. The gravity of the violation.
- 28 30 c. The degree of culpability of the violator.
- 28 31 d. The maximum penalty authorized for that violation under

28 32 this chapter.
28 33 1A. Penalties may be administratively assessed only after
28 34 an opportunity for a contested case hearing which may be
28 35 combined with a hearing on the merits of the alleged
29 1 violation. Violations not fitting within the schedule, or
29 2 violations which the commission determines should be referred
29 3 to the attorney general for legal action shall not be governed
29 4 by the schedule established under ~~this~~ subsection 1.

29 5 Sec. 58. Section 455B.455, Code 2007, is amended to read
29 6 as follows:

29 7 455B.455 SURCHARGE IMPOSED.

29 8 A land burial surcharge tax of two percent is imposed on
29 9 the fee for land burial of a hazardous waste. The owner of
29 10 the land burial facility shall remit the tax collected to the
29 11 director of revenue after consultation with the director
29 12 according to rules that the director shall adopt. The
29 13 director shall forward a copy of the site license to the
29 14 director of revenue which shall be the appropriate license for
29 15 the collection of the land burial surcharge tax and shall be
29 16 subject to suspension or revocation if the site license holder
29 17 fails to collect or remit the tax collected under this
29 18 section. The provisions of section 422.25, subsection 4,
29 19 sections 422.30, 422.67, and 422.68, section 422.69,
29 20 subsection 1, sections 422.70 ~~to through~~ 422.75, section
29 21 423.14, subsection 1, and sections 423.23, 423.24, 423.25,
29 22 423.31, 423.33, 423.35, 423.37 ~~to through~~ 423.42, and 423.47,
29 23 consistent with the provisions of this part 6 of division IV,
29 24 shall apply with respect to the taxes authorized under this
29 25 part, in the same manner and with the same effect as if the
29 26 land burial surcharge tax were sales taxes within the meaning
29 27 of those statutes. Notwithstanding the provisions of this
29 28 section, the director shall provide for only quarterly filing
29 29 of returns as prescribed in section 423.31. Taxes collected
29 30 by the director of revenue under this section shall be
29 31 deposited in the general fund of the state.

29 32 Sec. 59. Section 459.102, subsection 18, Code 2007, is
29 33 amended to read as follows:

29 34 18. "Covered" means organic or inorganic material placed
29 35 upon an animal feeding operation structure used to store
30 1 manure as provided by rules adopted by the department after
30 2 receiving recommendations which shall be submitted to the
30 3 department by the college of agriculture and life sciences at
30 4 Iowa state university of science and technology.

30 5 Sec. 60. Section 469.9, subsection 2, Code Supplement
30 6 2007, is amended to read as follows:

30 7 2. The fund shall be used to further the goals of
30 8 increasing the research, development, production, and use of
30 9 biofuels and other sources of renewable energy, ~~improve~~
30 10 improving energy efficiency, and ~~reduce reducing~~ greenhouse
30 11 gas emissions, and shall encourage, support, and provide for
30 12 research, development, commercialization, and the
30 13 implementation of energy technologies and practices. The
30 14 technologies and practices should reduce this state's
30 15 dependence on foreign sources of energy and fossil fuels. The
30 16 research, development, commercialization, implementation, and
30 17 distribution of such technologies and practices are intended
30 18 to sustain the environment and develop business in this state
30 19 as Iowans market these technologies and practices to the
30 20 world.

30 21 Sec. 61. Section 469.9, subsection 4, paragraph b,
30 22 subparagraph (2), Code Supplement 2007, is amended to read as
30 23 follows:

30 24 (2) Utilization of crops and products grown or produced in
30 25 this state that ~~maximize~~ maximizes the value of crops used as
30 26 feedstock in biomanufacturing products and as coproducts.

30 27 Sec. 62. Section 469.10, subsections 3 and 4, Code
30 28 Supplement 2007, are amended to read as follows:

30 29 3. Of the moneys appropriated to the office and deposited
30 30 in the fund, there shall be allocated on an annual basis two

30 31 million five hundred thousand dollars to the department of
30 32 economic development for deposit into the workforce training
30 33 and economic development funds of the community colleges
30 34 created pursuant to section 260C.18A. Of the funds so
30 35 deposited into the workforce training and economic development
31 1 funds of the community colleges, two million five hundred
31 2 thousand dollars shall be used each year in the development
31 3 and expansion of energy industry areas and for the
31 4 department's north American ~~industrial~~ industry classification
31 5 system for targeted industry areas established pursuant to
31 6 section 260C.18A.

31 7 4. Notwithstanding section 8.33, amounts appropriated
31 8 pursuant to this section shall not revert but shall remain
31 9 available for the purposes designated for the following fiscal
31 10 year. Notwithstanding section 12C.7, subsection 2, interest
31 11 or earnings on moneys in the ~~funds~~ Iowa power fund shall be
31 12 credited to the fund.

31 13 Sec. 63. Section 477.5, Code 2007, is amended to read as
31 14 follows:

31 15 477.5 EQUAL FACILITIES == DELAY.

31 16 If the proprietor of any telegraph or telephone line within
31 17 the state, or the person having the control and management
31 18 thereof, refuses to furnish equal facilities to the public and
31 19 to all connecting lines for the transmission of communications
31 20 in accordance with the nature of the business which it
31 21 undertakes to carry on, or to transmit the same with fidelity
31 22 and without unreasonable delay, the law in relation to limited
31 23 partnerships, corporations, and to the taking of private
31 24 property for works of internal improvement, shall ~~not~~ no
31 25 longer apply to them, and property taken for the use thereof
31 26 without the consent of the owner may be recovered by the
31 27 owner.

31 28 Sec. 64. Section 479.29, subsection 2, Code Supplement
31 29 2007, is amended to read as follows:

31 30 2. The county board of supervisors shall cause an on-site
31 31 inspection for compliance with the standards adopted under
31 32 this section to be performed at any pipeline construction
31 33 project in the county. A ~~licensed~~ professional engineer
31 34 familiar with the standards adopted under this section and
31 35 licensed under chapter 542B shall be responsible for the
32 1 inspection. A county board of supervisors may contract for
32 2 the services of a licensed professional engineer for the
32 3 purposes of the inspection. The reasonable costs of the
32 4 inspection shall be borne by the pipeline company.

32 5 Sec. 65. Section 483A.24, subsections 3 and 4, Code
32 6 Supplement 2007, are amended to read as follows:

32 7 3. The director shall provide up to seventy-five
32 8 nonresident deer hunting licenses for allocation as requested
32 9 by a majority of a committee consisting of the majority leader
32 10 of the senate, speaker of the house of representatives, and
32 11 director of the department of economic development, or their
32 12 designees. The licenses provided pursuant to ~~the~~ this
32 13 subsection shall be in addition to the number of nonresident
32 14 licenses authorized pursuant to section 483A.8. The purpose
32 15 of the special nonresident licenses is to allow state
32 16 officials and local development groups to promote the state
32 17 and its natural resources to nonresident guests and
32 18 dignitaries. Photographs, videotapes, or any other form of
32 19 media resulting from the hunting visitation shall not be used
32 20 for political campaign purposes. The nonresident licenses
32 21 shall be issued without application upon payment of the
32 22 nonresident deer hunting license fee and the wildlife habitat
32 23 fee. The licenses are valid in all zones open to deer
32 24 hunting. The hunter safety and ethics education certificate
32 25 requirement pursuant to section 483A.27 is waived for a
32 26 nonresident issued a license pursuant to this subsection.

32 27 4. The director shall provide up to twenty-five
32 28 nonresident wild turkey hunting licenses for allocation as
32 29 requested by a majority of a committee consisting of the
32 30 majority leader of the senate, speaker of the house of
32 31 representatives, and director of the department of economic
32 32 development, or their designees. The licenses provided
32 33 pursuant to ~~the~~ this subsection shall be in addition to the
32 34 number of nonresident licenses authorized pursuant to section
32 35 483A.7. The purpose of the special nonresident licenses is to
33 1 allow state officials and local development groups to promote
33 2 the state and its natural resources to nonresident guests and
33 3 dignitaries. Photographs, videotapes, or any other form of
33 4 media resulting from the hunting visitation shall not be used
33 5 for political campaign purposes. The nonresident licenses
33 6 shall be issued without application upon payment of the

33 7 nonresident wild turkey hunting license fee and the wildlife
33 8 habitat fee. The licenses are valid in all zones open to wild
33 9 turkey hunting. The hunter safety and ethics education
33 10 certificate requirement pursuant to section 483A.27 is waived
33 11 for a nonresident issued a license pursuant to this
33 12 subsection.

33 13 Sec. 66. Section 512B.9, subsection 2, Code 2007, is
33 14 amended to read as follows:

33 15 2. a. A person may be indemnified and reimbursed by a
33 16 society for expenses reasonably incurred by, and liabilities
33 17 imposed upon, the person in connection with or arising out of
33 18 a proceeding, whether civil, criminal, administrative, or
33 19 investigative, or a threat of action in which the person is or
33 20 may be involved by reason of the person being a director,
33 21 officer, employee, or agent of the society or of any other
33 22 legal entity or position which the person served in any
33 23 capacity at the request of the society.

33 24 b. However, a person shall not be so indemnified or
33 25 reimbursed for either of the following:

33 26 a- (1) In relation to any matter to which the person is
33 27 finally adjudged to be or have been guilty of breach of a duty
33 28 as a director, officer, employee, or agent of the society.

33 29 b- (2) In relation to any matter which has been made the
33 30 subject of a compromise settlement.

33 31 c. However, if the person acted in good faith for a
33 32 purpose the person reasonably believed to be in or not opposed
33 33 to the best interests of the society and, in addition, in a
33 34 criminal proceeding, had no reasonable cause to believe that
33 35 the conduct was unlawful, ~~paragraphs "a" and paragraph "b",~~
34 1 ~~subparagraphs (1) and (2),~~ do not apply. The determination
34 2 whether the conduct of the person met the standard required in
34 3 order to justify indemnification and reimbursement in relation
34 4 to any matter described in paragraph ~~"a" or "b",~~ subparagraph
34 5 (1) or (2), may only be made by the supreme governing body by
34 6 a majority vote of a quorum consisting of persons who were not
34 7 parties to the proceeding or by a court of competent
34 8 jurisdiction. The termination of a proceeding by judgment,
34 9 order, settlement, conviction, or upon a plea of no contest,
34 10 as to a person, does not in itself create a conclusive
34 11 presumption that the person met or did not meet the standard
34 12 of conduct required in order to justify indemnification and
34 13 reimbursement. The right of indemnification and reimbursement
34 14 is not exclusive of other rights to which a person may be
34 15 entitled as a matter of law and shall inure to the benefit of
34 16 the person's heirs, executors, and administrators.

34 17 Sec. 67. Section 554.2315, Code 2007, is amended to read
34 18 as follows:

34 19 554.2315 IMPLIED WARRANTY == FITNESS FOR PARTICULAR
34 20 PURPOSE.

34 21 Where the seller at the time of contracting has reason to
34 22 know any particular purpose for which the goods are required
34 23 and that the buyer is relying on the seller's skill or
34 24 judgment to select or furnish suitable goods, there is unless
34 25 excluded or modified under ~~the next~~ section 554.2316 an
34 26 implied warranty that the goods shall be fit for such purpose.

34 27 Sec. 68. Section 554.2502, subsection 1, Code 2007, is
34 28 amended to read as follows:

34 29 1. Subject to subsections 2 and 3 and even though the
34 30 goods have not been shipped a buyer who has paid a part or all
34 31 of the price of goods in which the buyer has a special
34 32 property under the provisions of ~~the immediately preceding~~
34 33 section 554.2501 may on making and keeping good a tender of
34 34 any unpaid portion of their price recover them from the seller
34 35 if:

35 1 a. in the case of goods bought for personal, family, or
35 2 household purposes, the seller repudiates or fails to deliver
35 3 as required by the contract; or

35 4 b. in all cases the seller becomes insolvent within ten
35 5 days after receipt of the first installment on their price.

35 6 Sec. 69. Section 554.2503, subsection 2, Code Supplement
35 7 2007, is amended to read as follows:

35 8 2. Where the case is within ~~the next~~ section 554.2504
35 9 respecting shipment tender requires that the seller comply
35 10 with its provisions.

35 11 Sec. 70. Section 554.2604, Code 2007, is amended to read
35 12 as follows:

35 13 554.2604 BUYER'S OPTIONS AS TO SALVAGE OF RIGHTFULLY
35 14 REJECTED GOODS.

35 15 Subject to the provisions of ~~the immediately preceding~~
35 16 section 554.2603 on perishables if the seller gives no
35 17 instructions within a reasonable time after notification of

35 18 rejection the buyer may store the rejected goods for the
35 19 seller's account or reship them to the seller or resell them
35 20 for the seller's account with reimbursement as provided in ~~the~~
~~35 21 preceding section 554.2603.~~ Such action is not acceptance or
35 22 conversion.

35 23 Sec. 71. Section 554.2615, unnumbered paragraph 1, Code
35 24 2007, is amended to read as follows:

35 25 Except so far as a seller may have assumed a greater
35 26 obligation and subject to ~~the preceding~~ section 554.2614 on
35 27 substituted performance:

35 28 Sec. 72. Section 554.2616, subsections 1 and 3, Code 2007,
35 29 are amended to read as follows:

35 30 1. Where the buyer receives notification of a material or
35 31 indefinite delay or an allocation justified under ~~the~~
~~35 32 preceding section 554.2615~~ the buyer may by written
35 33 notification to the seller as to any delivery concerned, and
35 34 where the prospective deficiency substantially impairs the
35 35 value of the whole contract under the provisions of this
36 1 Article relating to breach of installment contracts (section
36 2 554.2612), then also as to the whole,

36 3 a. terminate and thereby discharge any unexecuted portion
36 4 of the contract; or
36 5 b. modify the contract by agreeing to take the buyer's
36 6 available quota in substitution.

36 7 3. The provisions of this section may not be negated by
36 8 agreement except insofar as the seller has assumed a greater
36 9 obligation under ~~the preceding~~ section 554.2615.

36 10 Sec. 73. Section 554.2703, Code 2007, is amended to read
36 11 as follows:

36 12 554.2703 SELLER'S REMEDIES IN GENERAL.

36 13 Where the buyer wrongfully rejects or revokes acceptance of
36 14 goods or fails to make a payment due on or before delivery or
36 15 repudiates with respect to a part or the whole, then with
36 16 respect to any goods directly affected and, if the breach is
36 17 of the whole contract (section 554.2612), then also with
36 18 respect to the whole undelivered balance, the aggrieved seller
36 19 may:

36 20 ~~a. 1.~~ withhold delivery of such goods;
36 21 ~~b. 2.~~ stop delivery by any bailee as hereafter provided
36 22 (section 554.2705);
36 23 ~~c. 3.~~ proceed under ~~the next~~ section 554.2704 respecting
36 24 goods still unidentified to the contract;
36 25 ~~d. 4.~~ resell and recover damages as hereafter provided
36 26 (section 554.2706);
36 27 ~~e. 5.~~ recover damages for nonacceptance (section
36 28 554.2708) or in a proper case the price (section 554.2709);
36 29 ~~f. 6.~~ cancel.

36 30 Sec. 74. Section 554.2704, subsection 1, Code 2007, is
36 31 amended to read as follows:

36 32 1. An aggrieved seller under ~~the preceding~~ section
36 33 554.2703 may:

36 34 a. identify to the contract conforming goods not already
36 35 identified if at the time the seller learned of the breach
37 1 they are in the seller's possession or control;
37 2 b. treat as the subject of resale goods which have
37 3 demonstrably been intended for the particular contract even
37 4 though those goods are unfinished.

37 5 Sec. 75. Section 554.2709, subsections 1 and 3, Code 2007,
37 6 are amended to read as follows:

37 7 1. When the buyer fails to pay the price as it becomes due
37 8 the seller may recover, together with any incidental damages
37 9 under the next section, the price:

37 10 a. of goods accepted or of conforming goods lost or
37 11 damaged within a commercially reasonable time after risk of
37 12 their loss has passed to the buyer; and
37 13 b. of goods identified to the contract if the seller is
37 14 unable after reasonable effort to resell them at a reasonable
37 15 price or the circumstances reasonably indicate that such
37 16 effort will be unavailing.

37 17 3. After the buyer has wrongfully rejected or revoked
37 18 acceptance of the goods or has failed to make a payment due or
37 19 has repudiated (section 554.2610), a seller who is held not
37 20 entitled to the price under this section shall nevertheless be
37 21 awarded damages for nonacceptance under ~~the preceding~~ section
37 22 554.2708.

37 23 Sec. 76. Section 554.2711, subsections 1 and 2, Code 2007,
37 24 are amended to read as follows:

37 25 1. Where the seller fails to make delivery or repudiates
37 26 or the buyer rightfully rejects or justifiably revokes
37 27 acceptance then with respect to any goods involved, and with
37 28 respect to the whole if the breach goes to the whole contract

37 29 (section 554.2612), the buyer may cancel and whether or not
 37 30 the buyer has done so may in addition to recovering so much of
 37 31 the price as has been paid;
 37 32 a. "cover" and have damages under ~~the next~~ section
 37 33 554.2712 as to all the goods affected whether or not they have
 37 34 been identified to the contract; or
 37 35 b. recover damages for nondelivery as provided in this
 38 1 Article (section 554.2713).
 38 2 2. Where the seller fails to deliver or repudiates the
 38 3 buyer may also:
 38 4 a. if the goods have been identified recover them as
 38 5 provided in this Article (section 554.2502); or
 38 6 b. in a proper case obtain specific performance or replevy
 38 7 the goods as provided in this Article (section 554.2716).
 38 8 Sec. 77. Section 554.2712, subsection 1, Code 2007, is
 38 9 amended to read as follows:
 38 10 1. After a breach within ~~the preceding~~ section 554.2711
 38 11 the buyer may "cover" by making in good faith and without
 38 12 unreasonable delay any reasonable purchase of or contract to
 38 13 purchase goods in substitution for those due from the seller.
 38 14 Sec. 78. Section 554.2714, subsection 3, Code 2007, is
 38 15 amended to read as follows:
 38 16 3. In a proper case any incidental and consequential
 38 17 damages under ~~the next~~ section 554.2715 may also be recovered.
 38 18 Sec. 79. Section 554.2719, subsection 1, Code 2007, is
 38 19 amended to read as follows:
 38 20 1. Subject to the provisions of subsections 2 and 3 of
 38 21 this section and of ~~the preceding~~ section 554.2718 on
 38 22 liquidation and limitation of damages,
 38 23 a. the agreement may provide for remedies in addition to
 38 24 or in substitution for those provided in this Article and may
 38 25 limit or alter the measure of damages recoverable under this
 38 26 Article, as by limiting the buyer's remedies to return of the
 38 27 goods and repayment of the price or to repair and replacement
 38 28 of nonconforming goods or parts; and
 38 29 b. resort to a remedy as provided is optional unless the
 38 30 remedy is expressly agreed to be exclusive, in which case it
 38 31 is the sole remedy.
 38 32 Sec. 80. Section 554.7601A, subsection 2, Code Supplement
 38 33 2007, is amended to read as follows:
 38 34 2. If a warehouse receipt has been lost, ~~stolen~~, or
 38 35 destroyed, the depositor may either remove the goods from the
 39 1 warehouse facility or sell the goods to the warehouse after
 39 2 executing a lost warehouse receipt release on a form
 39 3 prescribed by the department of agriculture and land
 39 4 stewardship. The form shall include an affidavit stating that
 39 5 the warehouse receipt has been lost or destroyed, and the
 39 6 depositor's undertaking to indemnify the warehouse for any
 39 7 loss incurred as a result of the loss or destruction of the
 39 8 warehouse receipt. The form shall be filed with the
 39 9 department of agriculture and land stewardship.
 39 10 Sec. 81. Section 554.13103, subsection 3, Code Supplement
 39 11 2007, is amended to read as follows:
 39 12 3. The following definitions in other Articles apply to
 39 13 this Article:
 39 14 "Account" Section 554.9102, subsection 1,
 39 15 paragraph "b"
 39 16 "Between merchants" Section 554.2104, subsection 3
 39 17 "Buyer" Section 554.2103, subsection 1,
 39 18 paragraph "a"
 39 19 "Chattel paper" Section 554.9102, subsection 1,
 39 20 paragraph "k"
 39 21 "Consumer goods" Section 554.9102, subsection 1,
 39 22 paragraph "w"
 39 23 "Document" Section 554.9102, subsection 1,
 39 24 paragraph "ad"
 39 25 "Entrusting" Section 554.2403, subsection 3
 39 26 "General intangible" Section 554.9102, subsection 1,
 39 27 paragraph "ap"
 39 28 "Good faith" ~~Section 554.2103, subsection 1,~~
 39 29 ~~paragraph "b" 554.1201~~
 39 30 "Instrument" Section 554.9102, subsection 1,
 39 31 paragraph "au"
 39 32 "Merchant" Section 554.2104, subsection 1
 39 33 "Mortgage" Section 554.9102, subsection 1,
 39 34 paragraph "bc"
 39 35 "Pursuant to commitment" Section 554.9102, subsection 1,
 40 1 paragraph "bp"
 40 2 "Receipt" Section 554.2103, subsection 1,
 40 3 paragraph "c"
 40 4 "Sale" Section 554.2106, subsection 1

40 5 "Sale on approval" Section 554.2326
 40 6 "Sale or return" Section 554.2326
 40 7 "Seller" Section 554.2103, subsection 1,
 40 8 paragraph "d"
 40 9 Sec. 82. Section 554.13309, subsection 7, Code 2007, is
 40 10 amended to read as follows:
 40 11 7. In cases not within ~~the preceding~~ subsections 1 through
 40 12 6, priority between the interest of a lessor of fixtures,
 40 13 including the lessor's residual interest, and the conflicting
 40 14 interest of an encumbrancer or owner of the real estate who is
 40 15 not the lessee is determined by the priority rules governing
 40 16 conflicting interests in real estate.
 40 17 Sec. 83. Section 614.1, subsection 5, Code Supplement
 40 18 2007, is amended to read as follows:
 40 19 5. WRITTEN CONTRACTS == JUDGMENTS OF COURTS NOT OF RECORD
 40 20 == RECOVERY OF REAL PROPERTY. Those founded on written
 40 21 contracts, or on judgments of any courts except those provided
 40 22 for in ~~the next~~ subsection 6, and those brought for the
 40 23 recovery of real property, within ten years.
 40 24 Sec. 84. Section 633.113, Code 2007, is amended to read as
 40 25 follows:
 40 26 633.113 COMMITMENT.
 40 27 If, upon being served with an order of the court requiring
 40 28 appearance for interrogation, as provided in ~~the preceding~~
 40 29 ~~sections hereof~~ section 633.112, any person fails to appear in
 40 30 accordance therewith, or if, having appeared, the person
 40 31 refuses to answer any question which the court thinks proper
 40 32 to be put to the person in the course of such examination, or
 40 33 if the person fails to comply with the order of the court
 40 34 requiring the delivery of the property to the fiduciary, the
 40 35 person may be committed to the jail of the county until the
 41 1 person does.
 41 2 Sec. 85. Section 633.305, unnumbered paragraph 1, Code
 41 3 2007, is amended to read as follows:
 41 4 On admission of a will to probate without administration of
 41 5 the estate, the proponent shall cause to be published, in the
 41 6 manner prescribed in ~~the preceding~~ section 633.304, a notice
 41 7 of the admission of the will to probate. As soon as
 41 8 practicable following the admission of the will to probate,
 41 9 the proponent shall give notice of the admission of the will
 41 10 to probate by ordinary mail addressed to the surviving spouse,
 41 11 each heir of the decedent, and each devisee under the will
 41 12 admitted to probate whose identities are reasonably
 41 13 ascertainable, at such persons' last known addresses. The
 41 14 notice of the admission of the will to probate shall include a
 41 15 notice that any action to set aside the will must be brought
 41 16 within the later to occur of four months from the date of the
 41 17 second publication of the notice or one month from the date of
 41 18 mailing of this notice, or thereafter be barred.
 41 19 Sec. 86. Section 633.426, Code 2007, is amended to read as
 41 20 follows:
 41 21 633.426 ORDER OF PAYMENT OF DEBTS AND CHARGES.
 41 22 Payment of debts and charges of the estate shall be made in
 41 23 the order provided in ~~the preceding~~ section 633.425, without
 41 24 preference of any claim over another of the same class. If
 41 25 the assets of the estate are insufficient to pay in full all
 41 26 of the claims of a class, then such claims shall be paid on a
 41 27 pro rata basis, without preference between claims then due and
 41 28 those of the same class not due.
 41 29 Sec. 87. Section 633.700, unnumbered paragraph 1, Code
 41 30 Supplement 2007, is amended to read as follows:
 41 31 Unless specifically relieved from so doing, by the
 41 32 instrument creating the trust, or by order of the court, the
 41 33 trustee shall make a written report, under oath, to the court,
 41 34 once each year, within ninety days of the close of the
 41 35 reporting period, and more often, if required by the court.
 42 1 Such report shall state:
 42 2 Sec. 88. Section 718A.1, unnumbered paragraph 1, Code
 42 3 Supplement 2007, is amended to read as follows:
 42 4 As used in this ~~section~~ chapter:
 42 5 Sec. 89. Section 729.1, Code 2007, is amended to read as
 42 6 follows:
 42 7 729.1 RELIGIOUS TEST.
 42 8 Any violation of ~~section 4~~, Article I, section 4, of the
 42 9 Constitution of the State of Iowa is hereby declared to be a
 42 10 simple misdemeanor unless a greater penalty is otherwise
 42 11 provided by law.
 42 12 Sec. 90. Section 820.14, Code 2007, is amended to read as
 42 13 follows:
 42 14 820.14 ARREST WITHOUT WARRANT.
 42 15 The arrest of a person may be lawfully made also by any

42 16 peace officer or a private person, without a warrant upon
42 17 reasonable information that the accused stands charged in the
42 18 courts of a state with a crime punishable by death or
42 19 imprisonment for a term exceeding one year, but when so
42 20 arrested the accused must be taken before a judge or
42 21 magistrate with all practicable speed and complaint must be
42 22 made against the accused under oath setting forth the ground
42 23 for the arrest as in ~~the preceding~~ section 820.13; and
42 24 thereafter the accused's answer shall be heard as if the
42 25 accused had been arrested on a warrant.

42 26 Sec. 91. Section 820.15, Code 2007, is amended to read as
42 27 follows:

42 28 820.15 HOLDING TO AWAIT REQUISITION.

42 29 If from the examination before the judge or magistrate it
42 30 appears that the person held is the person charged with having
42 31 committed the crime alleged and, except in cases arising under
42 32 section 820.6, that the person has fled from justice, the
42 33 judge or magistrate must, by a warrant reciting the
42 34 accusation, commit the person to the county jail for such a
42 35 time not exceeding thirty days and specified in the warrant,
43 1 as will enable the arrest of the accused to be made under a
43 2 warrant of the governor on a requisition of the executive
43 3 authority of the state having jurisdiction of the offense,
43 4 unless the accused give bail as provided in ~~the next~~ section
43 5 820.16, or until the accused shall be legally discharged.

43 6 Sec. 92. Section 915.20A, subsection 1, paragraph d, Code
43 7 2007, is amended to read as follows:

43 8 d. "Victim counselor" means a person who is engaged in a
43 9 crime victim center, is certified as a counselor by the crime
43 10 victim center, and is under the control of a direct services
43 11 supervisor of a crime victim center, whose primary purpose is
43 12 the rendering of advice, counseling, and assistance to the
43 13 victims of crime. To qualify as a "victim counselor" under
43 14 this section, the person must also have completed at least
43 15 twenty hours of training provided by the center in which the
43 16 person is engaged, by the Iowa organization of victim
43 17 assistance, by the Iowa coalition against sexual ~~abuse~~
43 18 assault, or by the Iowa coalition against domestic violence,
43 19 which shall include but not be limited to, the dynamics of
43 20 victimization, substantive laws relating to violent crime,
43 21 sexual assault, and domestic violence, crisis intervention
43 22 techniques, communication skills, working with diverse
43 23 populations, an overview of the state criminal justice system,
43 24 information regarding pertinent hospital procedures, and
43 25 information regarding state and community resources for
43 26 victims of crime.

43 27 Sec. 93. 2007 Iowa Acts, chapter 182, section 3,
43 28 subsection 1, is amended to read as follows:

43 29 1. The Iowa propane education and research council is
43 30 established. Members of the council shall be appointed by the
43 31 governor from a list of nominees submitted by qualified
43 32 propane industry organizations within thirty days after the
43 33 effective date of this section of this Act and by December 15
43 34 of each year thereafter. The council shall consist of ten
43 35 voting members, nine of whom represent retail propane
44 1 marketers and one of whom shall be a public member. Qualified
44 2 propane industry organizations shall together nominate all
44 3 members of the council. A vacancy in the unfinished term of a
44 4 council member shall be filled for the remainder of the term
44 5 in the same manner as the original appointment was made.
44 6 Other than the public member, council members shall be
44 7 full-time employees or owners of a propane industry business
44 8 or representatives of an agricultural cooperative actively
44 9 engaged in the propane industry. An employee of a qualified
44 10 propane industry organization shall not serve as a member of
44 11 the council. An officer of the board of directors of a
44 12 qualified propane industry organization or propane industry
44 13 trade association shall not serve concurrently as a member of
44 14 the council. The fire marshal or a designee may serve as an
44 15 ex officio, nonvoting member of the council.

44 16 Sec. 94. 2007 Iowa Acts, chapter 197, section 33,
44 17 subsection 1, is amended to read as follows:

44 18 1. All new electrical installations for commercial or
44 19 industrial applications, including installations both inside
44 20 and outside of buildings, and for public use buildings and
44 21 facilities and any installation at the request of the property
44 22 owner.

44 23 Sec. 95. 2007 Iowa Acts, chapter 197, section 34,
44 24 subsection 2, is amended to read as follows:

44 25 2. State inspection shall not apply within the
44 26 jurisdiction of any political subdivision which, pursuant to

44 27 section 103.29, provides by resolution or ordinance standards
44 28 of electrical wiring and its installation that are not less
44 29 stringent than those prescribed by the board or by this
44 30 chapter and which further provides by resolution or ordinance
44 31 for the inspection of electrical installations within the
44 32 limits of such subdivision by a certified electrical
44 33 inspector. A copy of the certificate of each electrical
44 34 inspector shall be provided to the board by the political
44 35 subdivision issuing the certificate.

45 1 Sec. 96. Section 103.25, as enacted by 2007 Iowa Acts,
45 2 chapter 197, section 35, is amended to read as follows:

45 3 103.25 REQUEST FOR INSPECTION == FEES.

45 4 At or before commencement of any installation required to
45 5 be inspected by the board, the licensee or property owner
45 6 making such installation shall submit to the state fire
45 7 marshal's office a request for inspection. The board shall
45 8 prescribe the methods by which the request may be submitted,
45 9 which may include electronic submission or through a form
45 10 prescribed by the board that can be submitted either through
45 11 the mail or by a fax transmission. The board shall also
45 12 prescribe methods by which inspection fees can be paid, which
45 13 may include electronic methods of payment. If the board or
45 14 the state fire marshal's office becomes aware that a person
45 15 has failed to file a necessary request for inspection, the
45 16 board or the state fire marshal's office shall send a written
45 17 notification by certified mail that the request must by be
45 18 filed within fourteen days. Any person filing a late request
45 19 for inspection shall pay a delinquency fee in an amount to be
45 20 determined by the board. ~~Failure~~ A person who fails to file a
45 21 late request within fourteen days shall be subject to a civil
45 22 penalty to be determined by the board by rule.

45 23 Sec. 97. Section 103.26, as enacted by 2007 Iowa Acts,
45 24 chapter 197, section 36, is amended to read as follows:

45 25 103.26 CONDEMNATION == DISCONNECTION == OPPORTUNITY TO
45 26 CORRECT NONCOMPLIANCE.

45 27 If the inspector finds that any installation or portion of
45 28 an installation is not in compliance with accepted standards
45 29 of construction for health safety ~~to health~~ and property
45 30 safety, based upon minimum standards set forth in the local
45 31 electrical code or the national electrical code adopted by the
45 32 board pursuant to section 103.6, the inspector shall by
45 33 written order condemn the installation or noncomplying portion
45 34 or order service to such installation disconnected and shall
45 35 send a copy of such order to the board, the state fire
46 1 marshal, and the electrical utility supplying power involved.
46 2 If the installation or the noncomplying portion is such as to
46 3 seriously and proximately endanger human health or property,
46 4 the order of the inspector when approved by the inspector's
46 5 superior shall require immediate condemnation and
46 6 disconnection by the applicant. In all other cases, the order
46 7 of the inspector shall establish a reasonable period of time
46 8 for the installation to be brought into compliance with
46 9 accepted standards of construction for health safety ~~to health~~
46 10 and property safety prior to the effective date established in
46 11 such order for condemnation or disconnection.

46 12 Sec. 98. 2007 Iowa Acts, chapter 197, section 38,
46 13 subsection 2, is amended to read as follows:

46 14 2. If the electrical inspector determines that an
46 15 electrical installation subject to inspection by the board is
46 16 not in compliance with accepted standards of construction for
46 17 health safety ~~to health~~ and property safety, based upon
46 18 minimum standards adopted by the board pursuant to this
46 19 chapter, the inspector shall issue a correction order. A
46 20 correction order made pursuant to this section shall be served
46 21 personally or by United States mail only upon the licensee
46 22 making the installation. The correction order shall order the
46 23 licensee to make the installation comply with the standards,
46 24 noting specifically what changes are required. The order
46 25 shall specify a date, not more than seventeen calendar days
46 26 from the date of the order, when a new inspection shall be
46 27 made. When the installation is brought into compliance to the
46 28 satisfaction of the inspector, the inspector shall file with
46 29 the electrical utility supplying power a certificate stating
46 30 that the electrical inspector has approved energization.

46 31 Sec. 99. 2007 Iowa Acts, chapter 197, section 41,
46 32 subsection 4, is amended to read as follows:

46 33 4. Except when an inspection reveals that an installation
46 34 or portion of an installation is not in compliance with
46 35 accepted standards of construction for health safety ~~to health~~
47 1 and property safety, based upon minimum standards set forth in
47 2 the local electrical code or the national electrical code

47 3 adopted by the board pursuant to section 103.6, such that an
47 4 order of condemnation or disconnection is warranted pursuant
47 5 to section 103.26, an inspector shall not add to, modify, or
47 6 amend a construction plan as originally approved by the state
47 7 fire marshal in the course of conducting an inspection.
47 8 Sec. 100. 2007 Iowa Acts, chapter 197, section 42,
47 9 subsection 3, is amended to read as follows:

47 10 3. When an inspection is requested by ~~an~~ a property owner,
47 11 the minimum fee shall be thirty dollars plus five dollars per
47 12 branch circuit or feeder. The fee for fire and accident
47 13 inspections shall be computed at the rate of forty-seven
47 14 dollars per hour, and mileage and other expenses shall be
47 15 reimbursed as provided by the office of the state fire
47 16 marshal.

47 17 Sec. 101. 2007 Iowa Acts, chapter 197, section 43,
47 18 subsection 1, is amended to read as follows:

47 19 1. Any person aggrieved by a condemnation or disconnection
47 20 order issued by the state fire marshal's office may appeal
47 21 from the order by filing a written notice of appeal with the
47 22 board within ten days after the date the order was served upon
47 23 the property owner or within ten days after the order was
47 24 filed with the board, whichever is later.

47 25 Sec. 102. Section 104C.2, subsection 8, as enacted by 2007
47 26 Iowa Acts, chapter 198, section 2, is amended to read as
47 27 follows:

47 28 8. "Hydronic" means a heating or cooling system that
47 29 transfers heating or cooling by circulating fluid through a
47 30 closed system, including boilers, pressure vessels,
47 31 refrigerated equipment in connection with chilled water
47 32 systems, all steam piping, hot or chilled water piping
47 33 together with all control devices and accessories, installed
47 34 as part of, or in connection with, any comfort heating or
47 35 comfort cooling system or appliance using a liquid, water, or
48 1 steam as the heating or cooling media. "Hydronic" includes
48 2 all low-pressure and high-pressure systems.

48 3 Sec. 103. 2007 Iowa Acts, chapter 198, section 10,
48 4 subsection 3, is amended to read as follows:

48 5 3. The board may allow a two-year delay in implementing
48 6 the licensure requirements for contractors who employ ~~less~~
48 7 fewer than ten mechanical professionals.

48 8 Sec. 104. 2007 Iowa Acts, chapter 198, section 11,
48 9 subsection 1, is amended to read as follows:

48 10 1. Apply to a person licensed as an engineer pursuant to
48 11 chapter 542B, registered as an architect pursuant to chapter
48 12 544A, or licensed as a landscape architect pursuant to chapter
48 13 544B who provides consultations or develops plans or other
48 14 work concerning plumbing, HVAC, refrigeration, or hydronic
48 15 work and who is exclusively engaged in the practice of the
48 16 person's profession.

48 17 Sec. 105. 2007 Iowa Acts, chapter 198, section 18,
48 18 subsection 2, paragraph c, subparagraph (3), is amended to
48 19 read as follows:

48 20 (3) Provide evidence to the examining board that the
48 21 person has previously been a licensed journeyman in the
48 22 applicable discipline or satisfies all requirements ~~required~~
~~48 23 to be licensed for licensure~~ as a journeyman in the
48 24 applicable discipline.

48 25 Sec. 106. Sections 99A.1, 177A.16, 321.1, 321A.1, 321H.2,
48 26 322.2, 329.1, 428.28, 428.29, 433.12, 438.1, 438.2, 438.3,
48 27 453A.1, 455B.131, 476.44, 484B.4, 536.4, 536.5, 536.19,
48 28 536A.17, 543B.31, 589.8, 589.24, 624.27, 624.28, 727.2, and
48 29 730.2, Code 2007, are amended by striking the word
48 30 "copartnership" and inserting the word "partnership".

48 31 Sec. 107. Sections 322.4 and 322.7, Code Supplement 2007,
48 32 are amended by striking the word "copartnership" and inserting
48 33 the word "partnership".

48 34 Sec. 108. Sections 214A.2B, 258.16, 260C.40, and 282.7,
48 35 Code 2007, are amended by striking the words "merged area
49 1 school" and "merged area schools" and inserting the words
49 2 "community college" and "community colleges".

49 3 DIVISION II
49 4 VOLUME I RENUMBERING

49 5 Sec. 109. Section 1.18, Code 2007, is amended to read as
49 6 follows:

49 7 1.18 IOWA ENGLISH LANGUAGE REAFFIRMATION.

49 8 1. The general assembly of the state of Iowa finds and
49 9 declares the following:

49 10 a. The state of Iowa is comprised of individuals from
49 11 different ethnic, cultural, and linguistic backgrounds. The
49 12 state of Iowa encourages the assimilation of Iowans into
49 13 Iowa's rich culture.

49 14 b. Throughout the history of Iowa and of the United
49 15 States, the common thread binding individuals of differing
49 16 backgrounds together has been the English language.
49 17 c. Among the powers reserved to each state is the power to
49 18 establish the English language as the official language of the
49 19 state, and otherwise to promote the English language within
49 20 the state, subject to the prohibitions enumerated in the
49 21 Constitution of the United States and in laws of the state.
49 22 2. In order to encourage every citizen of this state to
49 23 become more proficient in the English language, thereby
49 24 facilitating participation in the economic, political, and
49 25 cultural activities of this state and of the United States,
49 26 the English language is hereby declared to be the official
49 27 language of the state of Iowa.
49 28 3. Except as otherwise provided for in subsections ~~4~~ 5 and
49 29 ~~5~~ 6, the English language shall be the language of government
49 30 in Iowa. All official documents, regulations, orders,
49 31 transactions, proceedings, programs, meetings, publications,
49 32 or actions taken or issued, which are conducted or regulated
49 33 by, or on behalf of, or representing the state and all of its
49 34 political subdivisions shall be in the English language.
49 35 4. For the purposes of this section, "official action"
50 1 means any action taken by the government in Iowa or by an
50 2 authorized officer or agent of the government in Iowa that
50 3 does any of the following:
50 4 a. Binds the government.
50 5 b. Is required by law.
50 6 c. Is otherwise subject to scrutiny by either the press or
50 7 the public.
50 8 ~~4~~ 5. This section shall not apply to:
50 9 a. The teaching of languages.
50 10 b. Requirements under the federal Individuals with
50 11 Disabilities Education Act.
50 12 c. Actions, documents, or policies necessary for trade,
50 13 tourism, or commerce.
50 14 d. Actions or documents that protect the public health and
50 15 safety.
50 16 e. Actions or documents that facilitate activities
50 17 pertaining to compiling any census of populations.
50 18 f. Actions or documents that protect the rights of victims
50 19 of crimes or criminal defendants.
50 20 g. Use of proper names, terms of art, or phrases from
50 21 languages other than English.
50 22 h. Any language usage required by or necessary to secure
50 23 the rights guaranteed by the Constitution and laws of the
50 24 United States of America or the Constitution of the State of
50 25 Iowa.
50 26 i. Any oral or written communications, examinations, or
50 27 publications produced or utilized by a driver's license
50 28 station, provided public safety is not jeopardized.
50 29 ~~5~~ 6. Nothing in this section shall be construed to do
50 30 any of the following:
50 31 a. Prohibit an individual member of the general assembly
50 32 or officer of state government, while performing official
50 33 business, from communicating through any medium with another
50 34 person in a language other than English, if that member or
50 35 officer deems it necessary or desirable to do so.
51 1 b. Limit the preservation or use of Native American
51 2 languages, as defined in the federal Native American Languages
51 3 Act of 1992.
51 4 c. Disparage any language other than English or discourage
51 5 any person from learning or using a language other than
51 6 English.
51 7 Sec. 110. Section 2.10, subsection 4, Code 2007, is
51 8 amended to read as follows:
51 9 4. a. The director of the department of administrative
51 10 services shall pay the travel and expenses of the members of
51 11 the general assembly commencing with the first pay period
51 12 after the names of such persons are officially certified. The
51 13 salaries of the members of the general assembly shall be paid
51 14 pursuant to any of the following alternative methods:
51 15 ~~a~~ (1) During each month of the year at the same time
51 16 state employees are paid.
51 17 ~~b~~ (2) During each pay period during the first six months
51 18 of each calendar year.
51 19 ~~c~~ (3) During the first six months of each calendar year
51 20 by allocating two-thirds of the annual salary to the pay
51 21 periods during those six months and one-third of the annual
51 22 salary to the pay periods during the second six months of a
51 23 calendar year.
51 24 b. Each member of the general assembly shall file with the

51 25 director of the department of administrative services a
51 26 statement as to the method the member selects for receiving
51 27 payment of salary. The presiding officers of the two houses
51 28 of the general assembly shall jointly certify to the director
51 29 of the department of administrative services the names of the
51 30 members, officers, and employees of their respective houses
51 31 and the salaries and mileage to which each is entitled.
51 32 Travel and expense allowances shall be paid upon the
51 33 submission of vouchers to the director of the department of
51 34 administrative services indicating a claim for the same.

51 35 Sec. 111. Section 2.15, Code 2007, is amended to read as
52 1 follows:

52 2 2.15 POWERS AND DUTIES OF STANDING COMMITTEES.

52 3 1. The powers and duties of standing committees shall
52 4 include, but shall not be limited to, the following:

52 5 1- a. Introducing legislative bills and resolutions.

52 6 2- b. Conducting investigations with the approval of
52 7 either or both houses during the session, or the legislative
52 8 council during the interim, with authority to call witnesses,
52 9 administer oaths, issue subpoenas, and cite for contempt.

52 10 3- c. Requiring reports and information from state
52 11 agencies as well as the full ~~co-operation~~ cooperation of their
52 12 personnel.

52 13 4- d. Selecting nonlegislative members when conducting
52 14 studies as provided in section 2.14.

52 15 5- e. Undertaking in-depth studies of governmental
52 16 matters within their assigned jurisdiction, not only for the
52 17 purpose of evaluating proposed legislation, but also for
52 18 studying existing laws and governmental operations and
52 19 functions to determine their usefulness and effectiveness, as
52 20 provided in section 2.14.

52 21 6- f. Reviewing the operations of state agencies and
52 22 departments.

52 23 7- g. Giving thorough consideration to, establishing
52 24 priorities for, and making recommendations on all bills
52 25 assigned to committees.

52 26 8- h. Preparing reports to be made available to members
52 27 of the general assembly containing the committee's findings,
52 28 recommendations, and proposed legislation.

52 29 2. A standing committee may call upon any department,
52 30 agency or office of the state, or any political subdivision of
52 31 the state, for information and assistance as needed in the
52 32 performance of its duties and the information and assistance
52 33 shall be furnished to the extent that they are within the
52 34 resources and authority of the department, agency, office or
52 35 political subdivision. This ~~paragraph~~ subsection does not
53 1 require the production or opening of any records which are
53 2 required by law to be kept private or confidential.

53 3 Sec. 112. Section 7K.1, subsection 3, Code 2007, is
53 4 amended to read as follows:

53 5 3. MEMBERSHIP.

53 6 a. The board of directors of the foundation shall consist
53 7 of fifteen members serving staggered three-year terms
53 8 beginning on May 1 of the year of appointment who shall be
53 9 appointed as follows:

53 10 a- (1) Five members shall be appointed by the governor as
53 11 follows:

53 12 (1) (a) A school district superintendent from a school
53 13 district with enrollment of one thousand one hundred
53 14 forty-nine or fewer pupils.

53 15 (2) (b) An individual representing an Iowa business
53 16 employing more than two hundred fifty employees.

53 17 (3) (c) A community college president.

53 18 (4) (d) An individual representing labor and workforce
53 19 interests.

53 20 (5) (e) An individual representing an Iowa agriculture
53 21 association.

53 22 b- (2) Five members shall be appointed by the speaker of
53 23 the house of representatives as follows:

53 24 (1) (a) An individual representing the area education
53 25 agencies.

53 26 (2) (b) The president of an accredited private
53 27 institution as defined in section 261.9.

53 28 (3) (c) An individual representing an Iowa business
53 29 employing more than fifty employees but not more than two
53 30 hundred fifty employees.

53 31 (4) (d) An individual representing urban economic
53 32 development interests.

53 33 (5) (e) An individual from an association representing
53 34 Iowa businesses.

53 35 c- (3) Five members shall be appointed by the president

54 1 of the senate as follows:

54 2 ~~(1)~~ (a) A school district superintendent from a school
54 3 district with an enrollment of more than one thousand one
54 4 hundred forty-nine pupils.
54 5 ~~(2)~~ (b) A president of an institution of higher education
54 6 under the control of the state board of regents.
54 7 ~~(3)~~ (c) An individual representing an Iowa business
54 8 employing fifty or fewer employees.
54 9 ~~(4)~~ (d) An individual representing rural economic
54 10 development interests.
54 11 ~~(5)~~ (e) An individual representing a business that
54 12 established itself in Iowa on or after July 1, 1999.

54 13 b. Members, except as provided in paragraph ~~"c"~~ "a",
54 14 subparagraph ~~(2)~~ (3), subparagraph subdivision (b), shall not
54 15 be employed by the state. One co-chairperson shall be
54 16 appointed by the speaker of the house of representatives and
54 17 one co-chairperson shall be appointed by the president of the
54 18 senate.

54 19 Sec. 113. Section 8A.204, subsection 1, paragraph a,
54 20 unnumbered paragraphs 1 and 2, Code Supplement 2007, are
54 21 amended to read as follows:

54 22 "Agency" means a participating agency as defined in section
54 23 8A.201. In addition, the following definitions shall also
54 24 apply:

~~54 25 In addition, the following definitions shall also apply:~~

54 26 Sec. 114. Section 8A.502, subsection 14, Code 2007, is
54 27 amended to read as follows:

54 28 14. FEDERAL CASH MANAGEMENT AND IMPROVEMENT ACT
54 29 ADMINISTRATOR.

54 30 a. To serve as administrator for state actions relating to
54 31 the federal Cash Management and Improvement Act of 1990, Pub.
54 32 L. No. 101-453, as codified in 31 U.S.C. } 6503. The director
54 33 shall perform the following duties relating to the federal
54 34 law:

54 35 ~~a.~~ (1) Act as the designated representative of the state
55 1 in the negotiation and administration of contracts between the
55 2 state and federal government relating to the federal law.

55 3 ~~b.~~ (2) Modify the centralized statewide accounting system
55 4 and develop, or require to be developed by the appropriate
55 5 departments of state government, the reports and procedures
55 6 necessary to complete the managerial and financial reports
55 7 required to comply with the federal law.

55 8 b. There is annually appropriated from the general fund of
55 9 the state to the department an amount sufficient to pay
55 10 interest costs that may be due the federal government as a
55 11 result of implementation of the federal law. This paragraph
55 12 does not authorize the payment of interest from the general
55 13 fund of the state for any departmental revolving, trust, or
55 14 special fund where monthly interest earnings accrue to the
55 15 credit of the departmental revolving, trust, or special fund.
55 16 For any departmental revolving, trust, or special fund where
55 17 monthly interest is accrued to the credit of the fund, the
55 18 director may authorize a supplemental expenditure to pay
55 19 interest costs from the individual fund which are due the
55 20 federal government as a result of implementation of the
55 21 federal law.

55 22 Sec. 115. Section 9D.3, subsection 2, Code 2007, is
55 23 amended to read as follows:

55 24 2. a. The bond shall be payable to the state for the use
55 25 and benefit of either:

55 26 ~~a.~~ (1) A person who is injured by the fraud,
55 27 misrepresentation, or financial failure of the travel agency
55 28 or a travel agent employed by the travel agency.

55 29 ~~b.~~ (2) The state on behalf of a person or persons under
55 30 paragraph ~~"a"~~ subparagraph (1).

55 31 b. The bond shall be conditioned such that the registrant
55 32 will pay any judgment recovered by a person in a court of this
55 33 state in a suit for actual damages, including reasonable
55 34 attorney's fees, or for rescission, resulting from a cause of
55 35 action involving the sale or offer of sale of travel services.
56 1 The bond shall be open to successive claims, but the aggregate
56 2 amount of the claims paid shall not exceed the principal
56 3 amount of the bond.

56 4 Sec. 116. Section 9H.4, Code 2007, is amended to read as
56 5 follows:

56 6 9H.4 RESTRICTION ON INCREASE OF HOLDINGS == EXCEPTIONS ==
56 7 PENALTY.

56 8 1. A corporation, limited liability company, or trust,
56 9 other than a family farm corporation, authorized farm
56 10 corporation, family farm limited liability company, authorized
56 11 limited liability company, family trust, authorized trust,

56 12 revocable trust, or testamentary trust shall not, either
56 13 directly or indirectly, acquire or otherwise obtain or lease
56 14 any agricultural land in this state. However, the
56 15 restrictions provided in this section shall not apply to the
56 16 following:

56 17 ~~1- a.~~ A bona fide encumbrance taken for purposes of
56 18 security.

56 19 ~~2- b.~~ Agricultural land acquired for research or
56 20 experimental purposes. Agricultural land is used for research
56 21 or experimental purposes if any of the following apply:

56 22 ~~a- (1)~~ Research and experimental activities are
56 23 undertaken on the agricultural land and commercial sales of
56 24 products produced from farming the agricultural land do not
56 25 occur or are incidental to the research or experimental
56 26 purposes of the corporation or limited liability company.
56 27 Commercial sales are incidental to the research or
56 28 experimental purposes of the corporation or limited liability
56 29 company when such sales are less than twenty-five percent of
56 30 the gross sales of the primary product of the research.

56 31 ~~b- (2)~~ The agricultural land is used for the primary
56 32 purpose of testing, developing, or producing seeds or plants
56 33 for sale or resale to farmers as seed stock. Grain which is
56 34 not sold as seed stock is an incidental sale and must be less
56 35 than twenty-five percent of the gross sales of the primary
57 1 product of the research and experimental activities.

57 2 ~~c- (3) (a)~~ The agricultural land is used by a
57 3 corporation or limited liability company, including any trade
57 4 or business which is under common control, as provided in 26
57 5 U.S.C. } 414 for the primary purpose of testing, developing,
57 6 or producing animals for sale or resale to farmers as breeding
57 7 stock. However, after July 1, 1989, to qualify under this
57 8 ~~paragraph subparagraph subdivision~~, the following conditions
57 9 must be satisfied:

57 10 ~~(1) (i)~~ The corporation or limited liability company must
57 11 not hold the agricultural land other than as a lessee. The
57 12 term of the lease must be for not more than twelve years. The
57 13 corporation or limited liability company shall not renew a
57 14 lease. The corporation or limited liability company shall not
57 15 enter into a lease under this ~~paragraph subparagraph~~
57 16 ~~subdivision part~~, if the corporation or limited liability
57 17 company has ever entered into another lease under this
57 18 ~~paragraph "c" subparagraph (3)~~, whether or not the lease is in
57 19 effect. However, this subparagraph does not apply to a
57 20 domestic corporation organized under chapter 504, Code 1989,
57 21 or current chapter 504.

57 22 ~~(2) (ii)~~ A term or condition of sale, including resale,
57 23 of breeding stock must not relate to the direct or indirect
57 24 control by the corporation or limited liability company of the
57 25 breeding stock or breeding stock progeny subsequent to the
57 26 sale.

57 27 ~~(3) (iii)~~ The number of acres of agricultural land held
57 28 by the corporation or limited liability company must not
57 29 exceed six hundred forty acres.

57 30 ~~(4) (iv)~~ The corporation or limited liability company
57 31 must deliver a copy of the lease to the secretary of state.
57 32 The secretary of state shall notify the lessee of receipt of
57 33 the copy of the lease. However, this subparagraph ~~subdivision~~
57 34 does not apply to a domestic corporation organized under
57 35 chapter 504, Code 1989, or current chapter 504.

58 1 ~~(b)~~ Culls and test animals may be sold under this
58 2 ~~paragraph "c" subparagraph (3)~~. For a three-year period
58 3 beginning on the date that the corporation or limited
58 4 liability company acquires an interest in the agricultural
58 5 land, the gross sales for any year shall not be greater than
58 6 five hundred thousand dollars. After the three-year period
58 7 ends, the gross sales for any year shall not be greater than
58 8 twenty-five percent of the gross sales for that year of the
58 9 breeding stock, or five hundred thousand dollars, whichever is
58 10 less.

58 11 ~~3- c.~~ Agricultural land, including leasehold interests,
58 12 acquired by a nonprofit corporation organized under the
58 13 provisions of chapter 504, Code 1989, and current chapter 504
58 14 including land acquired and operated by or for a state
58 15 university for research, experimental, demonstration,
58 16 foundation seed increase or test purposes and land acquired
58 17 and operated by or for nonprofit corporations organized
58 18 specifically for research, experimental, demonstration,
58 19 foundation seed increase or test purposes in support of or in
58 20 conjunction with a state university.

58 21 ~~4- d.~~ Agricultural land acquired by a corporation or
58 22 limited liability company for immediate or potential use in

58 23 nonfarming purposes.
58 24 ~~5. e.~~ Agricultural land acquired by a corporation or
58 25 limited liability company by process of law in the collection
58 26 of debts, or pursuant to a contract for deed executed prior to
58 27 August 15, 1975, or by any procedure for the enforcement of a
58 28 lien or claim thereon, whether created by mortgage or
58 29 otherwise.
58 30 ~~6. f.~~ A municipal corporation.
58 31 ~~7. g.~~ Agricultural land which is acquired by a trust
58 32 company or bank in a fiduciary capacity or as trustee for a
58 33 family trust, authorized trust or testamentary trust or for
58 34 nonprofit corporations.
58 35 ~~8. h.~~ A corporation or its subsidiary organized under
59 1 chapter 490 or a limited liability company organized under
59 2 chapter 490A and to which section 312.8 is applicable.
59 3 ~~9. i.~~ Agricultural land held or leased by a corporation
59 4 on July 1, 1975, as long as the corporation holding or leasing
59 5 the land on this date continues to hold or lease such
59 6 agricultural land.
59 7 ~~10. j.~~ Agricultural land held or leased by a trust on
59 8 July 1, 1977, as long as the trust holding or leasing such
59 9 land on this date continues to hold or lease such agricultural
59 10 land.
59 11 ~~11. k.~~ Agricultural land acquired by a trust for
59 12 immediate use in nonfarming purposes.
59 13 2. A corporation, limited liability company, or trust,
59 14 other than a family farm corporation, authorized farm
59 15 corporation, family farm limited liability company, authorized
59 16 limited liability company, family trust, authorized trust,
59 17 revocable trust, or testamentary trust, violating this section
59 18 shall be assessed a civil penalty of not more than twenty-five
59 19 thousand dollars and shall divest itself of any land held in
59 20 violation of this section within one year after judgment. The
59 21 courts of this state may prevent and restrain violations of
59 22 this section through the issuance of an injunction. The
59 23 attorney general or a county attorney shall institute suits on
59 24 behalf of the state to prevent and restrain violations of this
59 25 section.
59 26 Sec. 117. Section 11.4, Code 2007, is amended to read as
59 27 follows:
59 28 11.4 REPORT OF AUDITS.
59 29 1. The auditor of state shall make or cause to be made and
59 30 filed and kept in the auditor's office written reports of all
59 31 audits and examinations, which reports shall set out in detail
59 32 the following:
59 33 ~~1. a.~~ The actual condition of such department found to
59 34 exist on every examination.
59 35 ~~2. b.~~ Whether, in the auditor's opinion,
60 1 ~~a. (1)~~ All funds have been expended for the purpose for
60 2 which appropriated.
60 3 ~~b. (2)~~ The department so audited and examined is
60 4 efficiently conducted, and if the maximum results for the
60 5 money expended are obtained.
60 6 ~~c. (3)~~ The work of the departments so audited or examined
60 7 needlessly conflicts with or duplicates the work done by any
60 8 other department.
60 9 ~~3. c.~~ All illegal or unbusinesslike practices.
60 10 ~~4. d.~~ Any recommendations for greater simplicity,
60 11 accuracy, efficiency, or economy in the operation of the
60 12 business of the several departments and institutions.
60 13 ~~5. e.~~ Comparisons of prices paid and terms obtained by
60 14 the various departments for goods and services of like
60 15 character and reasons for differences therein, if any.
60 16 ~~6. f.~~ Any other information which, in the auditor's
60 17 judgment, may be of value to the auditor.
60 18 2. All such reports shall be filed and kept in the
60 19 auditor's office.
60 20 3. The state auditor is hereby authorized to obtain,
60 21 maintain, and operate, under the auditor's exclusive control
60 22 such machinery as may be necessary to print confidential
60 23 reports and documents originating in the auditor's office.
60 24 Sec. 118. Section 11.6, subsection 1, paragraph a, Code
60 25 2007, is amended to read as follows:
60 26 a. (1) The financial condition and transactions of all
60 27 cities and city offices, counties, county hospitals organized
60 28 under chapters 347 and 347A, memorial hospitals organized
60 29 under chapter 37, entities organized under chapter 28E having
60 30 gross receipts in excess of one hundred thousand dollars in a
60 31 fiscal year, merged areas, area education agencies, and all
60 32 school offices in school districts, shall be examined at least
60 33 once each year, except that cities having a population of

60 34 seven hundred or more but less than two thousand shall be
60 35 examined at least once every four years, and cities having a
61 1 population of less than seven hundred may be examined as
61 2 otherwise provided in this section. The examination shall
61 3 cover the fiscal year next preceding the year in which the
61 4 audit is conducted. The examination of school offices shall
61 5 include an audit of all school funds, the certified annual
61 6 financial report, the certified enrollment as provided in
61 7 section 257.6, and the revenues and expenditures of any
61 8 nonprofit school organization established pursuant to section
61 9 279.62. Differences in certified enrollment shall be reported
61 10 to the department of management. The examination of a city
61 11 that owns or operates a municipal utility providing local
61 12 exchange services pursuant to chapter 476 shall include an
61 13 audit of the city's compliance with section 388.10. The
61 14 examination of a city that owns or operates a municipal
61 15 utility providing telecommunications services pursuant to
61 16 section 388.10 shall include an audit of the city's compliance
61 17 with section 388.10.

61 18 (2) Subject to the exceptions and requirements of
61 19 subsection 2 and subsection 4, paragraph ~~"c"~~ "a", subparagraph
61 20 (3), examinations shall be made as determined by the

61 21 governmental subdivision either by the auditor of state or by
61 22 certified public accountants, certified in the state of Iowa,
61 23 and they shall be paid from the proper public funds of the
61 24 governmental subdivision.

61 25 Sec. 119. Section 11.6, subsection 1, paragraph b,
61 26 subparagraph (2), Code 2007, is amended to read as follows:

61 27 (2) (a) As part of its audit, the governmental
61 28 subdivision is responsible for obtaining and providing to the
61 29 person performing the audit the audited financial statements
61 30 and related report on internal control structure of outside
61 31 persons, performing any of the following during the period
61 32 under audit for the governmental subdivision:

61 33 ~~(a)~~ (i) Investing public funds.
61 34 ~~(b)~~ (ii) Advising on the investment of public funds.
61 35 ~~(c)~~ (iii) Directing the deposit or investment of public

62 1 funds.
62 2 ~~(d)~~ (iv) Acting in a fiduciary capacity for the
62 3 governmental subdivision.

62 4 (b) The audit under this section shall not be certified
62 5 until all material information required by this subparagraph
62 6 is reviewed by the person performing the audit.

62 7 Sec. 120. Section 11.6, subsection 4, Code 2007, is
62 8 amended to read as follows:

62 9 4. a. In addition to the powers and duties under other
62 10 provisions of the Code, the auditor of state may at any time
62 11 cause to be made a complete or partial reaudit of the
62 12 financial condition and transactions of any city, county,
62 13 county hospital, memorial hospital, entity organized under
62 14 chapter 28E, merged area, area education agency, school
62 15 corporation, township, or other governmental subdivision, or
62 16 an office of any of these, if one of the following conditions
62 17 exists:

62 18 ~~a.~~ (1) The auditor of state has probable cause to believe
62 19 such action is necessary in the public interest because of a
62 20 material deficiency in an audit of the governmental
62 21 subdivision filed with the auditor of state or because of a
62 22 substantial failure of the audit to comply with the standards
62 23 and procedures established and published by the auditor of
62 24 state.

62 25 ~~b.~~ (2) The auditor of state receives from an elected
62 26 official or employee of the governmental subdivision a written
62 27 request for a complete or partial reaudit of the governmental
62 28 subdivision.

62 29 ~~c.~~ (3) The auditor of state receives a petition signed by
62 30 at least fifty eligible electors of the governmental
62 31 subdivision requesting a complete or partial reaudit of the
62 32 governmental subdivision. If the governmental subdivision has
62 33 not contracted with or employed a certified public accountant
62 34 to perform an audit of the fiscal year in which the petition
62 35 is received by the auditor of state, the auditor of state may
63 1 perform an audit required by subsection 1 or 3.

63 2 b. The state audit shall be paid from the proper public
63 3 funds available in the office of the auditor of state. In the
63 4 event the audited governmental subdivision recovers damages
63 5 from a person performing a previous audit due to negligent
63 6 performance of that audit or breach of the audit contract, the
63 7 auditor of state shall be entitled to reimbursement on an
63 8 equitable basis for funds expended from any recovery made by
63 9 the governmental subdivision.

63 10 c. An examination under this subsection shall include a
63 11 determination of whether investments by the governmental
63 12 subdivision are authorized by state law.

63 13 Sec. 121. Section 13.2, Code 2007, is amended to read as
63 14 follows:

63 15 13.2 DUTIES.

63 16 1. It shall be the duty of the attorney general, except as
63 17 otherwise provided by law to:

63 18 ~~1-~~ a. Prosecute and defend all causes in the appellate
63 19 courts in which the state is a party or interested.

63 20 ~~2-~~ b. Prosecute and defend in any other court or
63 21 tribunal, all actions and proceedings, civil or criminal, in
63 22 which the state may be a party or interested, when, in the
63 23 attorney general's judgment, the interest of the state
63 24 requires such action, or when requested to do so by the
63 25 governor, executive council, or general assembly.

63 26 ~~3-~~ c. Prosecute and defend all actions and proceedings
63 27 brought by or against any state officer in the officer's
63 28 official capacity.

63 29 ~~4-~~ d. Prosecute and defend all actions and proceedings
63 30 brought by or against any employee of a judicial district
63 31 department of correctional services in the performance of an
63 32 assessment of risk pursuant to chapter 692A.

63 33 ~~5-~~ e. Give an opinion in writing, when requested, upon
63 34 all questions of law submitted by the general assembly or by
63 35 either house thereof, or by any state officer, elective or
64 1 appointive. Questions submitted by state officers must be of
64 2 a public nature and relate to the duties of such officer.

64 3 ~~6-~~ f. Prepare drafts for contracts, forms, and other
64 4 writings which may be required for the use of the state.

64 5 ~~7-~~ g. Report to the governor, at the time provided by
64 6 law, the condition of the attorney general's office, opinions
64 7 rendered, and business transacted of public interest.

64 8 ~~8-~~ h. Supervise county attorneys in all matters
64 9 pertaining to the duties of their offices, and from time to
64 10 time to require of them reports as to the condition of public
64 11 business entrusted to their charge.

64 12 ~~9-~~ i. Promptly account, to the treasurer of state, for
64 13 all state funds received by the attorney general.

64 14 ~~10-~~ j. Keep in proper books a record of all official
64 15 opinions, and a register of all actions, prosecuted and
64 16 defended by the attorney general, and of all proceedings had
64 17 in relation thereto, which books shall be delivered to the
64 18 attorney general's successor.

64 19 ~~11-~~ k. Perform all other duties required by law.

64 20 ~~12-~~ l. Inform prosecuting attorneys and assistant
64 21 prosecuting attorneys to the state of all changes in law and
64 22 matters pertaining to their office and establish programs for
64 23 the continuing education of prosecuting attorneys and
64 24 assistant prosecuting attorneys. The attorney general may
64 25 accept funds, grants and gifts from any public or private
64 26 source which shall be used to defray the expenses incident to
64 27 implementing duties under this ~~subsection~~ paragraph.

64 28 ~~13-~~ m. Establish and administer, in cooperation with the
64 29 law schools of Drake university and the state university of
64 30 Iowa, a prosecutor intern program incorporating the essential
64 31 elements of the pilot program denominated "law student intern
64 32 program in prosecutors' office" funded by the Iowa crime
64 33 commission and participating counties. The attorney general
64 34 shall consult with an advisory committee including
64 35 representatives of each participating law school and the Iowa
65 1 county attorneys association, inc. concerning development,
65 2 administration, and critique of this program. The attorney
65 3 general shall report on the program's operation annually to
65 4 the general assembly and the supreme court.

65 5 ~~14-~~ n. Develop written procedures and policies to be
65 6 followed by prosecuting attorneys in the prosecution of
65 7 domestic abuse cases under chapters 236 and 708.

65 8 2. Executing the duties of this section shall not be
65 9 deemed a violation of section 68B.6.

65 10 Sec. 122. Section 15.313, subsection 1, Code 2007, is
65 11 amended to read as follows:

65 12 1. a. An Iowa strategic investment fund is created as a
65 13 revolving fund consisting of any money appropriated by the
65 14 general assembly for that purpose and any other moneys
65 15 available to and obtained or accepted by the department from
65 16 the federal government or private sources for placement in the
65 17 fund. The fund shall also include all of the following:

65 18 ~~a-~~ (1) All unencumbered and unobligated funds from the
65 19 special community economic betterment program fund created
65 20 under 1990 Iowa Acts, chapter 1262, section 1, subsection 18,

65 21 remaining on June 30, 1992, all repayments of loans or other
65 22 awards made under the community economic betterment account or
65 23 under the community economic betterment program during any
65 24 fiscal year beginning on or after July 1, 1985, and recaptures
65 25 of awards.

65 26 ~~b.~~ (2) All unencumbered and unobligated funds from the
65 27 targeted small business financial assistance program, the
65 28 financing rural economic development or successor loan
65 29 program, and the value-added agricultural products and
65 30 processes financial assistance fund remaining on June 30,
65 31 1992, and all repayments of loans or other awards or
65 32 recaptures of awards made under these programs.

65 33 ~~b.~~ Notwithstanding section 8.33, moneys in the strategic
65 34 investment fund at the end of each fiscal year shall not
65 35 revert to any other fund but shall remain in the strategic
66 1 investment fund for expenditure for subsequent fiscal years.

66 2 Sec. 123. Section 15.331A, Code 2007, is amended to read
66 3 as follows:

66 4 15.331A SALES AND USE TAX REFUND.

66 5 1. The eligible business shall be entitled to a refund of
66 6 the sales and use taxes paid under chapter 423 for gas,
66 7 electricity, water, or sewer utility services, goods, wares,
66 8 or merchandise, or on services rendered, furnished, or
66 9 performed to or for a contractor or subcontractor and used in
66 10 the fulfillment of a written contract relating to the
66 11 construction or equipping of a facility of the eligible
66 12 business. Taxes attributable to intangible property and
66 13 furniture and furnishings shall not be refunded. However, an
66 14 eligible business shall be entitled to a refund for taxes
66 15 attributable to racks, shelving, and conveyor equipment to be
66 16 used in a warehouse or distribution center subject to section
66 17 15.331C.

66 18 2. To receive the refund a claim shall be filed by the
66 19 eligible business with the department of revenue as follows:

66 20 ~~1.~~ a. The contractor or subcontractor shall state under
66 21 oath, on forms provided by the department, the amount of the
66 22 sales of goods, wares, or merchandise or services rendered,
66 23 furnished, or performed including water, sewer, gas, and
66 24 electric utility services upon which sales or use tax has been
66 25 paid prior to the project completion, and shall file the forms
66 26 with the eligible business before final settlement is made.

66 27 ~~2.~~ b. The eligible business shall, not more than one year
66 28 after project completion, make application to the department
66 29 for any refund of the amount of the sales and use taxes paid
66 30 pursuant to chapter 423 upon any goods, wares, or merchandise,
66 31 or services rendered, furnished, or performed, including
66 32 water, sewer, gas, and electric utility services. The
66 33 application shall be made in the manner and upon forms to be
66 34 provided by the department, and the department shall audit the
66 35 claim and, if approved, issue a warrant to the eligible
67 1 business in the amount of the sales or use tax which has been
67 2 paid to the state of Iowa under a contract. A claim filed by
67 3 the eligible business in accordance with this section shall
67 4 not be denied by reason of a limitation provision set forth in
67 5 chapter 421 or 423.

67 6 3. A contractor or subcontractor who willfully makes a
67 7 false report of tax paid under the provisions of this section
67 8 is guilty of a simple misdemeanor and in addition is liable
67 9 for the payment of the tax and any applicable penalty and
67 10 interest.

67 11 Sec. 124. Section 15A.1, subsection 1, Code 2007, is
67 12 amended to read as follows:

67 13 1. a. Economic development is a public purpose for which
67 14 the state, a city, or a county may provide grants, loans,
67 15 guarantees, tax incentives, and other financial assistance to
67 16 or for the benefit of private persons.

67 17 b. For purposes of this chapter, "economic development"
67 18 means private or joint public and private investment involving
67 19 the creation of new jobs and income or the retention of
67 20 existing jobs and income that would otherwise be lost.

67 21 Sec. 125. Section 15A.2, Code 2007, is amended to read as
67 22 follows:

67 23 15A.2 CONFLICTS OF INTEREST.

67 24 1. a. If a member of the governing body of a city or
67 25 county or an employee of a state, city, or county board,
67 26 agency, commission, or other governmental entity of the state,
67 27 city, or county has an interest, either direct or indirect, in
67 28 a private person for which grants, loans, guarantees, tax
67 29 incentives, or other financial assistance may be provided by
67 30 the governing board or governmental entity, the interest shall
67 31 be disclosed to that governing body or governmental entity in

67 32 writing. The member or employee having the interest shall not
67 33 participate in the decision-making process with regard to the
67 34 providing of such financial assistance to the private person.
67 35 b. Employment by a public body, its agencies, or
68 1 institutions or by any other person having such an interest
68 2 shall not be deemed an indicia of an interest by the employee
68 3 or of any ownership or control by the employee of interests of
68 4 the employee's employer.

68 5 c. The word "participate" or "participation" shall be
68 6 deemed not to include discussion or debate preliminary to a
68 7 vote of a local governing body or agency upon proposed
68 8 ordinances or resolutions relating to such a project or any
68 9 abstention from such a vote.

68 10 d. The designation of a bank or trust company as
68 11 depository, paying agent, or agent for investment of funds
68 12 shall not be deemed a matter of interest or personal interest.

68 13 e. Stock ownership in a corporation having such an
68 14 interest shall not be deemed an indicia of an interest or of
68 15 ownership or control by the person owning the stocks when less
68 16 than five percent of the outstanding stock of the corporation
68 17 is owned or controlled directly or indirectly by that person.

68 18 f. The phrase "decision-making process" shall not be
68 19 deemed to include resolutions advisory to the local governing
68 20 body or agency by any citizens group, board, body, or
68 21 commission designated to serve a purely advisory approving or
68 22 recommending function for economic development.

68 23 2. A violation of a provision of this section is
68 24 misconduct in office under section 721.2. However, a decision
68 25 of the governing board or governmental entity is not invalid
68 26 because of the participation of the member or employee in the
68 27 decision-making process or because of a vote cast by a member
68 28 or employee in violation of this section unless the
68 29 participation or vote was decisive in the awarding of the
68 30 financial assistance.

68 31 Sec. 126. Section 15A.9, subsection 8, paragraphs a, b,
68 32 and e, Code Supplement 2007, are amended to read as follows:

68 33 a. (1) The credit equals the sum of the following:

68 34 ~~(1)~~ (a) Thirteen percent of the excess of qualified
68 35 research expenses during the tax year over the base amount for
69 1 the tax year based upon the state's apportioned share of the
69 2 qualifying expenditures for increasing research activities.
69 3 ~~(2)~~ (b) Thirteen percent of the basic research payments
69 4 determined under section 41(e)(1)(A) of the Internal Revenue
69 5 Code during the tax year based upon the state's apportioned
69 6 share of the qualifying expenditures for increasing research
69 7 activities.

69 8 (2) The state's apportioned share of the qualifying
69 9 expenditures for increasing research activities is a percent
69 10 equal to the ratio of qualified research expenditures in this
69 11 state within the zone to total qualified research
69 12 expenditures.

69 13 b. In lieu of the credit amount computed in paragraph "a",
69 14 subparagraph (1), subparagraph subdivision (a), a business may
69 15 elect to compute the credit amount for qualified research
69 16 expenses incurred in this state within the zone in a manner
69 17 consistent with the alternative incremental credit described
69 18 in section 41(c)(4) of the Internal Revenue Code. The
69 19 taxpayer may make this election regardless of the method used
69 20 for the taxpayer's federal income tax. The election made
69 21 under this paragraph is for the tax year and the taxpayer may
69 22 use another or the same method for any subsequent year.

69 23 e. (1) For the purposes of this subsection, "base
69 24 amount", "basic research payment", and "qualified research
69 25 expense" mean the same as defined for the federal credit for
69 26 increasing research activities under section 41 of the
69 27 Internal Revenue Code, except that for the alternative
69 28 incremental credit such amounts are for research conducted
69 29 within this state within the zone.

69 30 (2) For purposes of this subsection, "Internal Revenue
69 31 Code" means the Internal Revenue Code in effect on January 1,
69 32 2007.

69 33 Sec. 127. Section 15F.204, subsection 8, paragraph b, Code
69 34 2007, is amended to read as follows:

69 35 b. There is appropriated from the franchise tax revenues
70 1 deposited in the general fund of the state to the community
70 2 attraction and tourism fund, the following amounts:

70 3 (1) For the fiscal year beginning July 1, 2005, and ending
70 4 June 30, 2006, the sum of seven million dollars.

70 5 (2) For the fiscal year beginning July 1, 2006, and ending
70 6 June 30, 2007, the sum of seven million dollars.

70 7 (3) For the fiscal year beginning July 1, 2007, and ending

70 8 June 30, 2008, the sum of seven million dollars.
70 9 (4) For the fiscal year beginning July 1, 2008, and ending
70 10 June 30, 2009, the sum of seven million dollars.
70 11 (5) For the fiscal year beginning July 1, 2009, and ending
70 12 June 30, 2010, the sum of seven million dollars.
70 13 9. Notwithstanding the allocation requirements in
70 14 subsection 5, the board may make a multiyear commitment to an
70 15 applicant of up to four million dollars in any one fiscal
70 16 year.
70 17 Sec. 128. Section 15G.203, subsection 7, Code Supplement
70 18 2007, is amended to read as follows:
70 19 7. a. An award of financial incentives to a participating
70 20 person shall be in the form of a grant.
70 21 b. In order to participate in the program an eligible
70 22 person must execute a cost-share agreement with the department
70 23 as approved by the infrastructure board in which the person
70 24 contributes a percentage of the total costs related to
70 25 improving the retail motor fuel site.
70 26 ~~a. (1)~~ Except as provided in ~~paragraph "b"~~ subparagraph
70 27 (2), a participating person may be awarded standard financial
70 28 incentives. The standard financial incentives awarded to the
70 29 participating person shall not exceed fifty percent of the
70 30 actual cost of making the improvement or thirty thousand
70 31 dollars, whichever is less. The infrastructure board may
70 32 approve multiple awards to make improvements to a retail motor
70 33 fuel site so long as the total amount of the awards does not
70 34 exceed the limitations provided in this ~~paragraph~~
70 35 subparagraph.
71 1 ~~b. (2)~~ In addition to any standard financial incentives
71 2 awarded to a participating person under ~~paragraph "a"~~
71 3 subparagraph (1), the participating person may be awarded
71 4 supplemental financial incentives to upgrade or replace a
71 5 dispenser which is part of gasoline storage and dispensing
71 6 infrastructure used to store and dispense E-85 gasoline as
71 7 provided in section 455G.31. The person is only eligible to
71 8 receive the supplemental financial incentives if the person
71 9 installed the dispenser not later than sixty days after the
71 10 date of the publication in the Iowa administrative bulletin of
71 11 the state fire marshal's order providing that a commercially
71 12 available dispenser is listed as compatible for use with E-85
71 13 gasoline by an independent testing laboratory as provided in
71 14 section 455G.31. The supplemental financial incentives
71 15 awarded to the participating person shall not exceed
71 16 seventy-five percent of the actual cost of making the
71 17 improvement or thirty thousand dollars, whichever is less.
71 18 Sec. 129. Section 15I.2, subsection 1, Code Supplement
71 19 2007, is amended to read as follows:
71 20 1. ~~a.~~ Any nonretail, nonservice business may claim a tax
71 21 credit equal to a percentage of the annual wages and benefits
71 22 paid for a qualified new job created by the location or
71 23 expansion of the business in the state.
71 24 a. (1) The tax credit shall be allowed against taxes
71 25 imposed under chapter 422, division II, III, or V, and chapter
71 26 432 and against the moneys and credits tax imposed in section
71 27 533.329. The percentage shall be equal to the amount provided
71 28 in subsection 2.
71 29 (2) Any credit in excess of the tax liability shall be
71 30 refunded. In lieu of claiming a refund, a taxpayer may elect
71 31 to have the overpayment shown on the taxpayer's final,
71 32 completed return credited to the tax liability for the
71 33 following taxable year.
71 34 b. If the business is a partnership, S corporation,
71 35 limited liability company, or estate or trust electing to have
72 1 the income taxed directly to the individual, an individual may
72 2 claim the tax credit allowed. The amount claimed by the
72 3 individual shall be based upon the pro rata share of the
72 4 individual's earnings of the partnership, S corporation,
72 5 limited liability company, or estate or trust.
72 6 Sec. 130. Section 16.28, subsection 2, Code 2007, is
72 7 amended to read as follows:
72 8 2. a. The authority or any trustee appointed under the
72 9 indenture under which the bonds are issued may, and upon
72 10 written request of the holders of twenty-five percent in
72 11 aggregate principal amount of the issue of bonds or notes then
72 12 outstanding shall:
72 13 ~~a. (1)~~ Enforce all rights of the bondholders or
72 14 noteholders, including the right to require the authority to
72 15 carry out its agreements with the holders and to perform its
72 16 duties under this chapter.
72 17 ~~b. (2)~~ Bring suit upon the bonds or notes.
72 18 ~~c. (3)~~ By action require the authority to account as if

72 19 it were the trustee of an express trust for the holders.
72 20 ~~d. (4)~~ By action enjoin any acts or things which are
72 21 unlawful or in violation of the rights of the holders.
72 22 ~~e. (5)~~ Declare all the bonds or notes due and payable and
72 23 if all defaults are made good then with the consent of the
72 24 holders of twenty-five percent of the aggregate principal
72 25 amount of the issue of bonds or notes then outstanding, annul
72 26 the declaration and its consequences.
72 27 b. The bondholders or noteholders, to the extent provided
72 28 in the resolution by which the bonds or notes were issued or
72 29 in their agreement with the authority, may enforce any of the
72 30 remedies in ~~paragraphs paragraph "a" to "e", subparagraphs (1)~~
72 31 ~~to (5)~~ or the remedies provided in those agreements for and on
72 32 their own behalf.

72 33 Sec. 131. Section 16.52, subsections 2 and 3, Code 2007,
72 34 are amended to read as follows:

72 35 2. The authority shall adopt rules and allocation
73 1 procedures which will ensure the maximum use of available tax
73 2 credits in order to encourage development of low-income
73 3 housing in the state. The authority shall consider the
73 4 following factors in the adoption and application of the
73 5 allocation rules:

73 6 a. Timeliness of the application.
73 7 b. Location of the proposed housing project.
73 8 c. Relative need in the proposed area for low-income
73 9 housing.
73 10 d. Availability of low-income housing in the proposed
73 11 area.
73 12 e. Economic feasibility of the proposed project.
73 13 f. Ability of the applicant to proceed to completion of
73 14 the project in the calendar year for which the credit is
73 15 sought.

73 16 3. a. The authority shall adopt rules specifying the
73 17 application procedure and the allowance of low-income housing
73 18 credits under the state housing credit ceiling.

73 19 ~~3. b.~~ The authority shall not allow more than ninety
73 20 percent of the low-income housing credits under the state
73 21 housing credit ceiling to projects other than qualified
73 22 low-income housing projects as defined in Internal Revenue
73 23 Code } 42(h)(5)(B).

73 24 Sec. 132. Section 16.91, subsection 5, Code Supplement
73 25 2007, is amended to read as follows:

73 26 5. The participation of abstractors and attorneys shall be
73 27 in accordance with rules established by the division and
73 28 adopted by the authority pursuant to chapter 17A.

73 29 a. (1) Each participant shall at all times maintain
73 30 liability coverage in amounts approved by the division. Upon
73 31 payment of a claim by the division, the division shall be
73 32 subrogated to the rights of the claimant against all persons
73 33 relating to the claim.

73 34 (2) Additionally, each participating abstractor is
73 35 required to own or lease, and maintain and use in the
74 1 preparation of abstracts, an up-to-date abstract title plant
74 2 including tract indices for real estate for each county in
74 3 which abstracts are prepared for real property titles
74 4 guaranteed by the division. The tract indices shall contain a
74 5 reference to all instruments affecting the real estate which
74 6 are recorded in the office of the county recorder, and shall
74 7 commence not less than forty years prior to the date the
74 8 abstractor commences participation in the title guaranty
74 9 program. However, a participating attorney providing abstract
74 10 services continuously from November 12, 1986, to the date of
74 11 application, either personally or through persons under the
74 12 attorney's supervision and control is exempt from the
74 13 requirements of this ~~paragraph subparagraph~~.

74 14 b. The division may waive the requirements of this
74 15 subsection pursuant to an application of an attorney or
74 16 abstractor which shows that the requirements impose a hardship
74 17 to the attorney or abstractor and that the waiver clearly is
74 18 in the public interest or is absolutely necessary to ensure
74 19 availability of title guaranties throughout the state.

74 20 Sec. 133. Section 16.100, subsection 2, paragraph c, Code
74 21 2007, is amended to read as follows:

74 22 c. (1) A home ownership incentive program to help lower
74 23 income and very low income families achieve single family home
74 24 ownership. Funds provided under this program shall not be
74 25 restricted to first-time home buyers but shall be limited to
74 26 mortgages under fifty-five thousand dollars, except in those
74 27 areas of the state where the median price of homes exceeds the
74 28 state average. The assistance provided shall include at least
74 29 one of the following kinds of assistance:

74 30 ~~(1)~~ (a) Closing costs assistance.
74 31 ~~(2)~~ (b) Down payment assistance.
74 32 ~~(3)~~ (c) Home maintenance and repair assistance.
74 33 ~~(4)~~ (d) Loan processing assistance through a loan
74 34 endorser review contractor who acts on behalf of the authority
74 35 in assisting lenders in processing loans that will qualify for
75 1 government insurance or guarantee or for financing under the
75 2 authority's mortgage revenue bond program.
75 3 ~~(5)~~ (e) Mortgage insurance program.
75 4 (2) Five percent of the moneys expended under this program
75 5 shall be used to finance the purchase or acquisition, in
75 6 communities with a population of less than ten thousand, of
75 7 manufactured homes as defined in 42 U.S.C. } 5403. Moneys
75 8 available for this purpose which are unencumbered or
75 9 unobligated at the end of the fiscal year shall revert to the
75 10 housing improvement fund for reallocation for the next fiscal
75 11 year.
75 12 (3) Not more than fifty percent of the assistance provided
75 13 under this program shall be provided under ~~subparagraphs (4)~~
75 14 ~~subparagraph (1), subparagraph subdivisions (d) and (5) (e).~~
75 15 So long as at least one of the kinds of assistance described
75 16 in ~~subparagraphs subparagraph (1), subparagraph subdivisions~~
75 17 ~~(a) through (5) (e)~~ (a) through (5) (e) is provided, additional assistance not
75 18 described in ~~subparagraphs subparagraph (1), subparagraph~~
75 19 ~~subdivisions (a) through (5) (e)~~ subdivisions (a) through (5) (e) may also be provided.
75 20 Sec. 134. Section 16A.10, subsection 2, Code 2007, is
75 21 amended to read as follows:
75 22 2. a. The authority or any trustee appointed under the
75 23 indenture under which the obligations are issued may, and upon
75 24 written request of the holders of twenty-five percent in
75 25 aggregate principal amount of the issue of obligations then
75 26 outstanding shall:
75 27 a. (1) Enforce all rights of the holders of the
75 28 obligations, including the right to require the authority to
75 29 carry out its agreements with the holders and to perform its
75 30 duties under this chapter.
75 31 b. (2) Bring suit upon the obligations.
75 32 c. (3) By action require the authority to account as if
75 33 it were the trustee of an express trust for the holders.
75 34 d. (4) By action enjoin any acts or things which are
75 35 unlawful or in violation of the rights of the holders.
76 1 e. (5) Declare all the obligations due and payable and if
76 2 all defaults are made good then with the consent of the
76 3 holders of twenty-five percent of the aggregate principal
76 4 amount of the issue of obligations then outstanding, annul the
76 5 declaration and its consequences.
76 6 b. The holders of obligations, to the extent provided in
76 7 the resolution by which the obligations were issued or in
76 8 their agreement with the authority, may enforce any of the
76 9 remedies in ~~paragraphs paragraph "a", subparagraphs (1) to "e"~~
76 10 (5) or the remedies provided in those agreements for and on
76 11 their own behalf.
76 12 Sec. 135. Section 17A.1, subsection 2, Code 2007, is
76 13 amended to read as follows:
76 14 2. This chapter is intended to provide a minimum
76 15 procedural code for the operation of all state agencies when
76 16 they take action affecting the rights and duties of the
76 17 public. Nothing in this chapter is meant to discourage
76 18 agencies from adopting procedures providing greater
76 19 protections to the public or conferring additional rights upon
76 20 the public; and save for express provisions of this chapter to
76 21 the contrary, nothing in this chapter is meant to abrogate in
76 22 whole or in part any statute prescribing procedural duties for
76 23 an agency which are greater than or in addition to those
76 24 provided here. This chapter is meant to apply to all
76 25 rulemaking and contested case proceedings and all suits for
76 26 the judicial review of agency action that are not specifically
76 27 excluded from this chapter or some portion thereof by its
76 28 express terms or by the express terms of another chapter.
76 29 3. The purposes of this chapter are: To provide
76 30 legislative oversight of powers and duties delegated to
76 31 administrative agencies; to increase public accountability of
76 32 administrative agencies; to simplify government by assuring a
76 33 uniform minimum procedure to which all agencies will be held
76 34 in the conduct of their most important functions; to increase
76 35 public access to governmental information; to increase public
77 1 participation in the formulation of administrative rules; to
77 2 increase the fairness of agencies in their conduct of
77 3 contested case proceedings; and to simplify the process of
77 4 judicial review of agency action as well as increase its ease
77 5 and availability.

77 6 4. In accomplishing its objectives, the intention of this
77 7 chapter is to strike a fair balance between these purposes and
77 8 the need for efficient, economical and effective government
77 9 administration. The chapter is not meant to alter the
77 10 substantive rights of any person or agency. Its impact is
77 11 limited to procedural rights with the expectation that better
77 12 substantive results will be achieved in the everyday conduct
77 13 of state government by improving the process by which those
77 14 results are attained.

77 15 Sec. 136. Section 17A.7, subsection 2, Code 2007, is
77 16 amended to read as follows:

77 17 2. a. Any interested person, association, agency, or
77 18 political subdivision may submit a written request to the
77 19 administrative rules coordinator for an agency to conduct a
77 20 formal review of a specified rule of that agency to determine
77 21 whether the rule should be repealed or amended or a new rule
77 22 adopted instead. The administrative rules coordinator shall
77 23 determine whether the request is reasonable and does not place
77 24 an unreasonable burden upon the agency.

77 25 b. If the agency has not conducted such a review of the
77 26 specified rule within a period of five years prior to the
77 27 filing of the written request, and upon a determination by the
77 28 administrative rules coordinator that the request is
77 29 reasonable and does not place an unreasonable burden upon the
77 30 agency, the agency shall prepare within a reasonable time a
77 31 written report with respect to the rule summarizing the
77 32 agency's findings, its supporting reasons, and any proposed
77 33 course of action. The report must include, for the specified
77 34 rule, a concise statement of all of the following:

77 35 a- (1) The rule's effectiveness in achieving its
78 1 objectives, including a summary of any available data
78 2 supporting the conclusions reached.

78 3 b- (2) Written criticisms of the rule received during the
78 4 previous five years, including a summary of any petitions for
78 5 waiver of the rule tendered to the agency or granted by the
78 6 agency.

78 7 c- (3) Alternative solutions regarding the subject matter
78 8 of the criticisms and the reasons they were rejected or the
78 9 changes made in the rule in response to those criticisms and
78 10 the reasons for the changes.

78 11 c. A copy of the report shall be sent to the
78 12 administrative rules review committee and the administrative
78 13 rules coordinator and shall be made available for public
78 14 inspection.

78 15 Sec. 137. Section 23A.2, subsection 10, paragraph 1,
78 16 subparagraph (2), subparagraph subdivision (c), Code 2007, is
78 17 amended to read as follows:

78 18 (c) A resident who cannot be placed in a community
78 19 placement plan with a community-based provider of services may
78 20 be placed by the state resource center in an on-campus or
78 21 off-campus vocational or employment training program.

78 22 (i) However, prior to placing a resident in an on-campus
78 23 vocational or employment training program, the state resource
78 24 center shall seek an off-campus vocational or employment
78 25 training program offered by a community-based provider who
78 26 serves the county in which the state resource center is based
78 27 or the counties contiguous to the county, provided that the
78 28 resident will not be required to travel for more than thirty
78 29 minutes one way to obtain services.

78 30 (ii) If off-campus services cannot be provided by a
78 31 community-based provider, the state resource center shall
78 32 offer the resident an on-campus vocational or employment
78 33 training program. The on-campus program shall be operated in
78 34 compliance with the federal Fair Labor Standards Act. At
78 35 least semiannually, the state resource center shall seek an
79 1 off-campus community-based vocational or employment training
79 2 option for each resident placed in an on-campus program.

79 3 (iii) The state resource center shall not place a resident
79 4 in an off-campus program in which the cost to the state
79 5 resource center would be in excess of the provider's actual
79 6 cost as determined by purchase of service rules or if the
79 7 service would not be reimbursed under the medical assistance
79 8 program.

79 9 Sec. 138. Section 24.48, Code 2007, is amended to read as
79 10 follows:

79 11 24.48 APPEAL TO STATE BOARD FOR SUSPENSION OF LIMITATIONS.

79 12 1. If the property tax valuations effective January 1,
79 13 1979 and January 1 of any subsequent year, are reduced or
79 14 there is an unusually low growth rate in the property tax base
79 15 of a political subdivision, the political subdivision may
79 16 appeal to the state appeal board to request suspension of the

79 17 statutory property tax levy limitations to continue to fund
79 18 the present services provided. A political subdivision may
79 19 also appeal to the state appeal board where the property tax
79 20 base of the political subdivision has been reduced or there is
79 21 an unusually low growth rate for any of the following reasons:
79 22 1- a. Any unusual increase in population as determined by
79 23 the preceding certified federal census.
79 24 2- b. Natural disasters or other emergencies.
79 25 3- c. Unusual problems relating to major new functions
79 26 required by state law.
79 27 4- d. Unusual staffing problems.
79 28 5- e. Unusual need for additional funds to permit
79 29 continuance of a program which provides substantial benefit to
79 30 its residents.
79 31 6- f. Unusual need for a new program which will provide
79 32 substantial benefit to residents, if the political subdivision
79 33 establishes the need and the amount of the necessary increased
79 34 cost.

79 35 2. The state appeal board may approve or modify the
80 1 request of the political subdivision for suspension of the
80 2 statutory property tax levy limitations.

80 3 3. Upon decision of the state appeal board, the department
80 4 of management shall make the necessary changes in the total
80 5 budget of the political subdivision and certify the total
80 6 budget to the governing body of the political subdivision and
80 7 the appropriate county auditors.

80 8 4. a. The city finance committee shall have officially
80 9 notified any city of its approval, modification or rejection
80 10 of the city's appeal of the decision of the director of the
80 11 department of management regarding a city's request for a
80 12 suspension of the statutory property tax levy limitation prior
80 13 to thirty-five days before March 15.

80 14 b. The state appeals board shall have officially notified
80 15 any county of its approval, modification or rejection of the
80 16 county's request for a suspension of the statutory property
80 17 tax levy limitation prior to thirty-five days before March 15.

80 18 5. a. For purposes of this section only, "political
80 19 subdivision" means a city, school district, or any other
80 20 special purpose district which certifies its budget to the
80 21 county auditor and derives funds from a property tax levied
80 22 against taxable property situated within the political
80 23 subdivision.

80 24 b. For the purpose of this section, when the political
80 25 subdivision is a city, the director of the department of
80 26 management, and the city finance committee on appeal of the
80 27 director's decision, shall be the state appeal board.

80 28 Sec. 139. Section 28A.18, subsections 1, 2, and 4, Code
80 29 2007, are amended to read as follows:

80 30 1. a. The bonds issued by the board pursuant to this
80 31 division shall be authorized by resolution of the board and
80 32 shall be either term or serial bonds, shall bear the date,
80 33 mature at the time, not exceeding forty years from their
80 34 respective dates, bear interest at the rate, not exceeding the
80 35 rate permitted under chapter 74A or the rate authorized by
81 1 another state within the greater metropolitan area, whichever
81 2 rate is lower, payable monthly or semiannually, be in the
81 3 denominations, be in the form, either coupon or fully
81 4 registered, shall carry the registration, exchangeability and
81 5 interchangeability privileges, be payable in the medium of
81 6 payment and at the place, within or without the state, be
81 7 subject to the terms of redemption and be entitled to the
81 8 priorities on the revenues, rates, fees, rentals, or other
81 9 charges or receipts of the authority as the resolution may
81 10 provide. The bonds shall be executed either by manual or
81 11 facsimile signature by the officers as the authority shall
81 12 determine, provided that the bonds shall bear at least one
81 13 signature which is manually executed on the bond, and the
81 14 coupons attached to the bonds shall bear the facsimile
81 15 signature of the officer as designated by the authority and
81 16 the bonds shall have the seal of the authority, affixed,
81 17 imprinted, reproduced, or lithographed on the bond, all as may
81 18 be prescribed in a resolution.

81 19 b. The bonds shall be sold at public sale or private sale
81 20 at the price as the authority shall determine to be in the
81 21 best interests of the authority provided that the bonds shall
81 22 not be sold at less than ninety-eight percent of the par value
81 23 of the bond, plus accrued interest and provided that the net
81 24 interest cost shall not exceed that permitted by applicable
81 25 state law. Pending the preparation of definitive bonds,
81 26 interim certificates or temporary bonds may be issued to the
81 27 purchaser of the bonds, and may contain the terms and

81 28 conditions as the board may determine.

81 29 2. a. The board, after the issuance of bonds, may borrow
81 30 moneys for the purposes for which the bonds are to be issued
81 31 in anticipation of the receipt of the proceeds of the sale of
81 32 the bonds and within the authorized maximum amount of the bond
81 33 issue. Any loan shall be paid within three years after the
81 34 date of the initial loan. Bond anticipation notes shall be
81 35 issued for all moneys so borrowed under this section, and the
82 1 notes may be renewed, but all the renewal notes shall mature
82 2 within the time above limited for the payment of the initial
82 3 loan. The notes shall be authorized by resolution of the
82 4 board and shall be in the denominations, shall bear interest
82 5 at the rate not exceeding the maximum rate permitted by the
82 6 resolution authorizing the issuance of the bonds, shall be in
82 7 the form and shall be executed in the manner, all as the
82 8 authority prescribes.

82 9 b. The notes shall be sold at public or private sale or,
82 10 if the notes are renewal notes, they may be exchanged for
82 11 notes outstanding on the terms as the board determines. The
82 12 board may retire any notes from the revenues derived from its
82 13 metropolitan facilities or from other moneys of the authority
82 14 which are lawfully available or from a combination of revenues
82 15 and other available moneys, in lieu of retiring them by means
82 16 of bond proceeds. However, before the retirement of the notes
82 17 by any means other than the issuance of bonds, the board shall
82 18 amend or repeal the resolution authorizing the issuance of the
82 19 bonds, in anticipation of the proceeds of the sale of the
82 20 notes, so as to reduce the authorized amount of the bond issue
82 21 by the amount of the notes so retired. The amendatory or
82 22 repealing resolution shall take effect upon its passage.

82 23 4. The board of the authority may enter into any deeds of
82 24 trust, mortgages, indentures, or other agreements, with any
82 25 bank or trust company or any other lender within or without
82 26 the state as security for the bonds, and may assign and pledge
82 27 all or any of the revenues, rates, fees, rentals, or other
82 28 charges or receipts of the authority. The deeds of trust,
82 29 mortgages, indentures, or other agreements may contain the
82 30 provisions as may be customary in the instruments, or, as the
82 31 board may authorize, including, but without limitation,
82 32 provisions as to:

82 33 a. The construction, improvement, operation, leasing,
82 34 maintenance, and repair of the metropolitan facilities and
82 35 duties of the board with reference to the facilities.

83 1 b. The application of funds and the safeguarding and
83 2 investment of funds on hand or on deposit.

83 3 c. The appointment of consulting engineers or architects
83 4 and approval by the holders of the bonds.

83 5 d. The rights and remedies of the trustee and the holders
83 6 of the bonds.

83 7 e. The terms and provisions of the bonds or the resolution
83 8 authorizing the issuance of the bonds.

83 9 5. Any of the bonds issued pursuant to this section are
83 10 negotiable instruments, and have all the qualities and
83 11 incidents of negotiable instruments and are exempt from state
83 12 taxation.

83 13 Sec. 140. Section 28E.17, subsection 3, Code 2007, is
83 14 amended to read as follows:

83 15 3. a. A city which is a party to a joint transit agency
83 16 may issue general corporate purpose bonds for the support of a
83 17 capital program for the joint agency in the following manner:

83 18 ~~a.~~ (1) The council shall give notice and conduct a
83 19 hearing on the proposal in the manner set forth in section
83 20 384.25. However, the notice must be published at least ten
83 21 days prior to the hearing, and if a petition valid under
83 22 section 362.4 is filed with the clerk of the city prior to the
83 23 hearing, asking that the question of issuing the bonds be
83 24 submitted to the registered voters of the city, the council
83 25 shall either by resolution declare the proposal abandoned or
83 26 shall direct the county commissioner of elections to call a
83 27 special election to vote upon the question of issuing the
83 28 bonds. Notice of the election and its conduct shall be in the
83 29 manner provided in section 384.26.

83 30 ~~b.~~ (2) If no petition is filed, or if a petition is filed
83 31 and the proposition of issuing bonds is approved at the
83 32 election, the council may proceed with the authorization and
83 33 issuance of the bonds.

83 34 b. An agreement may provide for full or partial payment
83 35 from transit revenues to the cities for meeting debt service
84 1 on such bonds.

84 2 c. This subsection shall be construed as granting
84 3 additional power without limiting the power already existing

84 4 in cities, and as providing an alternative independent method
84 5 for the carrying out of any project for the issuance and sale
84 6 of bonds for the financing of a city's share of a capital
84 7 expenditures project of a joint transit agency, and no further
84 8 proceedings with respect to the authorization of the bonds
84 9 shall be required.

84 10 Sec. 141. Section 28E.22, Code 2007, is amended to read as
84 11 follows:

84 12 28E.22 REFERENDUM FOR TAX.

84 13 1. The board of supervisors, or the city councils of a
84 14 district composed only of cities, may, and upon receipt of a
84 15 petition signed by eligible electors residing in the district
84 16 equal in number to at least five percent of the registered
84 17 voters in the district shall, submit a proposition to the
84 18 electorate residing in the district at any general election or
84 19 at a special election held throughout the district. The
84 20 proposition shall provide for the establishment of a public
84 21 safety fund and the levy of a tax on taxable property located
84 22 in the district at rates not exceeding the rates specified in
84 23 this section for the purpose of providing additional moneys
84 24 for the operation of the district.

84 25 2. The ballot for the election shall be prepared in
84 26 substantially the form for submitting special questions at
84 27 general elections and the form of the proposition shall be
84 28 substantially as follows:

84 29 ~~Shall~~ "Shall an annual levy, the amount of which will not
84 30 exceed a rate of one dollar and fifty cents per thousand
84 31 dollars of assessed value of the taxable property in the
84 32 unified law enforcement district be authorized for providing
84 33 additional moneys needed for unified law enforcement services
84 34 in the district?

84 35 Yes ____ No ____ "

85 1 3. If a majority of the registered voters in each city and
85 2 the unincorporated area of the county voting on the
85 3 proposition approve the proposition, the county board of
85 4 supervisors for unincorporated area and city councils for
85 5 cities are authorized to levy the tax as provided in section
85 6 28E.23.

85 7 4. Such moneys collected pursuant to the tax levy shall be
85 8 expended only for providing additional moneys needed for
85 9 unified law enforcement services in the district and shall be
85 10 in addition to the revenues raised in the county and cities in
85 11 the district from their general funds which are based upon an
85 12 average of revenues raised for law enforcement purposes by the
85 13 county or city for the three previous years. The amount of
85 14 revenues raised for law enforcement purposes by the county for
85 15 the three previous years shall be computed separately for the
85 16 unincorporated portion of the district and for each city in
85 17 the district.

85 18 Sec. 142. Section 29B.117, Code 2007, is amended to read
85 19 as follows:

85 20 29B.117 COURTS OF INQUIRY.

85 21 1. a. Courts of inquiry to investigate any matter may be
85 22 convened by the adjutant general, the governor, or by any
85 23 other person designated by the adjutant general or authorized
85 24 to convene a general court-martial for that purpose, whether
85 25 or not the persons involved have requested the inquiry.

85 26 b. A court of inquiry consists of three or more
85 27 commissioned officers. For each court of inquiry the
85 28 convening authority shall also appoint counsel for the court.

85 29 2. Any person subject to this code whose conduct is
85 30 subject to inquiry shall be designated as a party. Any person
85 31 subject to this code who has a direct interest in the subject
85 32 of inquiry has the right to be designated as a party upon
85 33 request to the court. Any person designated as a party shall
85 34 be given due notice and has the right to be present, to be
85 35 represented by counsel, to cross-examine witnesses, and to

86 1 introduce evidence.

86 2 3. a. Members of a court of inquiry may be challenged by
86 3 a party, but only for cause stated to the court.

86 4 b. The members, counsel, the reporter, and interpreters of
86 5 courts of inquiry shall take an oath or affirmation to
86 6 faithfully perform their duties.

86 7 c. Witnesses may be summoned to appear and testify and be
86 8 examined before courts of inquiry, as provided for
86 9 courts-martial.

86 10 d. Courts of inquiry shall make findings of fact but may
86 11 not express opinions or make recommendations unless required
86 12 to do so by the convening authority.

86 13 e. Each court of inquiry shall keep a record of its
86 14 proceedings, which shall be authenticated by the signatures of

86 15 the president and counsel for the court and forwarded to the
86 16 convening authority. If the record cannot be authenticated by
86 17 the president, it shall be signed by a member in lieu of the
86 18 president. If the record cannot be authenticated by the
86 19 counsel for the court, it shall be signed by a member in lieu
86 20 of the counsel.

86 21 Sec. 143. Section 34A.3, subsection 3, Code 2007, is
86 22 amended to read as follows:

86 23 3. CHAPTER 28E AGREEMENT == ALTERNATIVE TO JOINT E911
86 24 SERVICE BOARD.

86 25 a. A legal entity created pursuant to chapter 28E by a
86 26 county or counties, other political divisions, and public or
86 27 private agencies to jointly plan, implement, and operate a
86 28 countywide, or larger, enhanced 911 service system may be
86 29 substituted for the joint E911 service board required under
86 30 subsection 1. An alternative legal entity created pursuant to
86 31 chapter 28E as a substitute for a joint E911 service board, as
86 32 permitted by this subsection, may be created by either:

~~86 33 An alternative legal entity created pursuant to chapter 28E~~
~~86 34 as a substitute for a joint E911 service board, as permitted~~
~~86 35 by this subsection, may be created by either:~~

87 1 a. (1) Agreement of the parties entitled to voting
87 2 membership on a joint E911 service board.

87 3 b. (2) Agreement of the members of a joint E911 service
87 4 board.

87 5 b. An alternative chapter 28E entity has all of the powers
87 6 of a joint E911 service board and any additional powers
87 7 granted by the agreement. As used in this chapter, "joint
87 8 E911 service board" includes an alternative chapter 28E entity
87 9 created for that purpose, except as specifically limited by
87 10 the chapter 28E agreement or unless clearly provided otherwise
87 11 in this chapter. A chapter 28E agreement related to E911
87 12 service shall permit the participation of a private safety
87 13 agency or other persons allowed to participate in a joint E911
87 14 service board, but the terms, scope, and conditions of
87 15 participation are subject to the chapter 28E agreement.

87 16 Sec. 144. Section 34A.6, subsections 1 and 2, Code 2007,
87 17 are amended to read as follows:

87 18 1. Before a joint E911 service board may request
87 19 imposition of the surcharge by the program manager, the board
87 20 shall submit the following question to voters, as provided in
87 21 subsection 2, in the proposed E911 service area, and the
87 22 question shall receive a favorable vote from a simple majority
87 23 of persons submitting valid ballots on the following question
87 24 within the proposed E911 service area:

87 25 ~~Shall~~ Shall the following public YES ____
87 26 measure be adopted? NO ____

87 27 Enhanced 911 emergency telephone service shall be funded,
87 28 in whole or in part, by a monthly surcharge of (an amount
87 29 determined by the local joint E911 service board of up to one
87 30 dollar) on each telephone access line collected as part of
87 31 each telephone subscriber's monthly phone bill if provided
87 32 within (description of the proposed E911 service area)."

87 33 2. The referendum required as a condition of the surcharge
87 34 imposition in subsection 1 shall be conducted using the
87 35 following electoral mechanism:

88 1 a. At the request of the joint E911 service board a county
88 2 commissioner of elections shall include the question on the
88 3 next eligible general election ballot in each electoral
88 4 precinct to be served, in whole or in part, by the proposed
88 5 E911 service area, provided the request is timely submitted to
88 6 permit inclusion.

88 7 b. The question may be included in the next election in
88 8 which all of the voters in the proposed E911 service area will
88 9 be eligible to vote on the same day.

88 10 c. The county commissioner of elections shall report the
88 11 results to the joint E911 service board.

88 12 d. The joint E911 service board shall compile the results
88 13 if subscribers from more than one county are included within
88 14 the proposed service area. The joint E911 service board shall
88 15 announce whether a simple majority of the compiled votes
88 16 reported by the commissioner approved the referendum question.

88 17 Sec. 145. Section 47.6, subsection 1, Code 2007, is
88 18 amended to read as follows:

88 19 1. a. (1) The governing body of any political
88 20 subdivision which has authorized a special election to which
88 21 section 39.2 is applicable shall by written notice inform the
88 22 commissioner who will be responsible for conducting the
88 23 election of the proposed date of the special election.

88 24 (a) If a public measure will appear on the ballot at the
88 25 special election the governing body shall submit the complete

88 26 text of the public measure to the commissioner with the notice
88 27 of the proposed date of the special election.

88 28 (b) If the proposed date of the special election coincides
88 29 with the date of a regularly scheduled election or previously
88 30 scheduled special election, the notice shall be given no later
88 31 than five p.m. on the last day on which nomination papers may
88 32 be filed with the commissioner for the regularly scheduled
88 33 election or previously scheduled special election, but in no
88 34 case shall notice be less than thirty-two days before the
88 35 election. Otherwise, the notice shall be given at least
89 1 thirty-two days in advance of the date of the proposed special
89 2 election.

89 3 (2) Upon receiving the notice, the commissioner shall
89 4 promptly give written approval of the proposed date unless it
89 5 appears that the special election, if held on that date, would
89 6 conflict with a regular election or with another special
89 7 election previously scheduled for that date.

89 8 b. A public measure shall not be withdrawn from the ballot
89 9 at any election if the public measure was placed on the ballot
89 10 by a petition, or if the election is a special election called
89 11 specifically for the purpose of deciding one or more public
89 12 measures for a single political subdivision. However, a
89 13 public measure which was submitted to the county commissioner
89 14 of elections by the governing body of a political subdivision
89 15 may be withdrawn by the governing body which submitted the
89 16 public measure if the public measure was to be placed on the
89 17 ballot of a regularly scheduled election. The notice of
89 18 withdrawal must be made by resolution of the governing body
89 19 and must be filed with the commissioner no later than the last
89 20 day upon which a candidate may withdraw from the ballot.

89 21 Sec. 146. Section 47.8, subsections 1 and 3, Code 2007,
89 22 are amended to read as follows:

89 23 1. A state voter registration commission is established
89 24 which shall meet at least quarterly to make and review policy,
89 25 adopt rules, and establish procedures to be followed by the
89 26 registrar in discharging the duties of that office, and to
89 27 promote interagency cooperation and planning.

89 28 a. The commission shall consist of the state commissioner
89 29 of elections or the state commissioner's designee, the state
89 30 chairpersons of the two political parties whose candidates for
89 31 president of the United States or governor, as the case may
89 32 be, received the greatest and next greatest number of votes in
89 33 the most recent general election, or their respective
89 34 designees, and a county commissioner of registration appointed
89 35 by the president of the Iowa state association of county
90 1 auditors, or an employee of the commissioner.

90 2 b. The commission membership shall be balanced by
90 3 political party affiliation pursuant to section 69.16.
90 4 Members shall serve without additional salary or
90 5 reimbursement.

90 6 c. The state commissioner of elections, or the state
90 7 commissioner's designee, shall serve as chairperson of the
90 8 state voter registration commission.

90 9 3. a. The registrar shall provide staff services to the
90 10 commission and shall make available to it all information
90 11 relative to the activities of the registrar's office in
90 12 connection with voter registration policy which may be
90 13 requested by any commission member. The registrar shall also
90 14 provide to the commission at no charge statistical reports for
90 15 planning and analyzing voter registration services in the
90 16 state.

90 17 b. The commission may authorize the registrar to employ
90 18 such additional staff personnel as it deems necessary to
90 19 permit the duties of the registrar's office to be adequately
90 20 and promptly discharged. Such personnel shall be employed
90 21 pursuant to chapter 8A, subchapter IV.

90 22 Sec. 147. Section 48A.27, subsection 4, paragraph c, Code
90 23 2007, is amended to read as follows:

90 24 c. If the information provided by the vendor indicates
90 25 that a registered voter has moved to an address outside the
90 26 county, the commissioner shall make the registration record
90 27 inactive, and shall mail a notice to the registered voter at
90 28 both the former and new addresses.

90 29 (1) The notice shall be sent by forwardable mail, and
90 30 shall include a postage paid preaddressed return card on which
90 31 the registered voter may state the registered voter's current
90 32 address.

90 33 (2) The notice shall contain a statement in substantially
90 34 the following form:

90 35 PARAGRAPH DIVIDED. "Information received from the United
91 1 States postal service indicates that you are no longer a

91 2 resident of, and therefore not eligible to vote in (name of
91 3 county) County, Iowa. If this information is not correct, and
91 4 you still live in (name of county) County, please complete and
91 5 mail the attached postage paid card at least ten days before
91 6 the primary or general election and at least eleven days
91 7 before any other election at which you wish to vote. If the
91 8 information is correct and you have moved, please contact a
91 9 local official in your new area for assistance in registering
91 10 there. If you do not mail in the card, you may be required to
91 11 show identification before being allowed to vote in (name of
91 12 county) County. If you do not return the card, and you do not
91 13 vote in an election in (name of county) County, Iowa, on or
91 14 before (date of second general election following the date of
91 15 the notice) your name will be removed from the list of voters
91 16 in that county. To ensure you receive this notice, it is
91 17 being sent to both your most recent registration address and
91 18 to your new address as reported by the postal service."

91 19 Sec. 148. Section 48A.29, subsections 1 and 3, Code 2007,
91 20 are amended to read as follows:

91 21 1. If a confirmation notice and return card sent pursuant
91 22 to section 48A.28 is returned as undeliverable by the United
91 23 States postal service, the commissioner shall make the
91 24 registration record inactive and shall mail a notice to the
91 25 registered voter at the registered voter's most recent mailing
91 26 address, as shown by the registration records.

91 27 a. The notice shall be sent by forwardable mail, and shall
91 28 include a postage paid preaddressed return card on which the
91 29 registered voter may state the registered voter's current
91 30 address.

91 31 b. The notice shall contain a statement in substantially
91 32 the following form:

91 33 PARAGRAPH DIVIDED. "Information received from the United
91 34 States postal service indicates that you are no longer a
91 35 resident of (residence address) in (name of county) County,
92 1 Iowa. If this information is not correct, and you still live
92 2 in (name of county) County, please complete and mail the
92 3 attached postage paid card at least ten days before the
92 4 primary or general election and at least eleven days before
92 5 any other election at which you wish to vote. If the
92 6 information is correct, and you have moved, please contact a
92 7 local official in your new area for assistance in registering
92 8 there. If you do not mail in the card, you may be required to
92 9 show identification before being allowed to vote in (name of
92 10 county) County. If you do not return the card, and you do not
92 11 vote in some election in (name of county) County, Iowa, on or
92 12 before (date of second general election following the date of
92 13 the notice) your name will be removed from the list of voters
92 14 in that county."

92 15 3. When a detachable return card originally attached to a
92 16 confirmation notice is returned by anyone other than the
92 17 registered voter indicating that the registered voter is no
92 18 longer a resident of the registration address, the
92 19 commissioner shall make the registration record inactive, and
92 20 shall mail a notice to the registered voter at the registered
92 21 voter's most recent mailing address, as shown by the
92 22 registration records.

92 23 a. The notice shall be sent by forwardable mail, and shall
92 24 include a postage paid preaddressed return card on which the
92 25 registered voter may state the registered voter's current
92 26 address.

92 27 b. The notice shall contain a statement in substantially
92 28 the following form:

92 29 PARAGRAPH DIVIDED. "Information received by this office
92 30 indicates that you are no longer a resident of (residence
92 31 address) in (name of county) County, Iowa. If the information
92 32 is not correct, and you still live at that address, please
92 33 complete and mail the attached postage paid card at least ten
92 34 days before the primary or general election and at least
92 35 eleven days before any other election at which you wish to
93 1 vote. If the information is correct, and you have moved
93 2 within the county, you may update your registration by listing
93 3 your new address on the card and mailing it back. If you have
93 4 moved outside the county, please contact a local official in
93 5 your new area for assistance in registering there. If you do
93 6 not mail in the card, you may be required to show
93 7 identification before being allowed to vote in (name of
93 8 county) County. If you do not return the card, and you do not
93 9 vote in some election in (name of county) County, Iowa, on or
93 10 before (date of second general election following the date of
93 11 the notice) your name will be removed from the list of
93 12 registered voters in that county."

93 13 Sec. 149. Section 49.11, Code 2007, is amended to read as
93 14 follows:
93 15 49.11 NOTICE OF BOUNDARIES OF PRECINCTS == MERGER OR
93 16 DIVISION.
93 17 1. The board of supervisors or the temporary county
93 18 redistricting commission or city council shall number or name
93 19 the precincts established by the supervisors or council
93 20 pursuant to sections 49.3, 49.4, and 49.5. The boundaries of
93 21 the precincts shall be recorded in the records of the board of
93 22 supervisors, temporary county redistricting commission, or
93 23 city council, as the case may be.
93 24 2. The board of supervisors or city council shall publish
93 25 notice of changes in the county or city precinct boundaries in
93 26 a newspaper of general circulation published in the county or
93 27 city once each week for three consecutive weeks. The series
93 28 of publications shall be made after the changes in the
93 29 precincts have been approved by the state commissioner of
93 30 elections. The last of the three publications shall be made
93 31 no later than thirty days before the next general election. A
93 32 map showing the new boundaries may be used. No publication is
93 33 necessary if no changes were made.
93 34 3. The precincts established pursuant to section 49.7
93 35 shall not be changed except in the manner provided by law.
94 1 However, for any election other than the primary or general
94 2 election or any special election held under section 69.14, the
94 3 county commissioner of elections may:
94 4 ~~1-~~ a. Consolidate two or more precincts into one.
94 5 (1) However, the commissioner shall not do so if there is
94 6 filed with the commissioner at least twenty days before the
94 7 election a petition signed by twenty-five or more eligible
94 8 electors of any precinct requesting that it not be merged with
94 9 any other precinct. There shall be attached to the petition
94 10 the affidavit of an eligible elector of the precinct that the
94 11 signatures on the petition are genuine and that all of the
94 12 signers are to the best of the affiant's knowledge and belief
94 13 eligible electors of the precinct.
94 14 (2) If a special election is to be held in which only
94 15 those registered voters residing in a specified portion of any
94 16 established precinct are entitled to vote, that portion of the
94 17 precinct may be merged by the commissioner with one or more
94 18 other established precincts or portions of established
94 19 precincts for the special election, and the right to petition
94 20 against merger of a precinct shall not apply.
94 21 ~~2-~~ b. Divide any precinct permanently established under
94 22 this section which contains all or any parts of two or more
94 23 mutually exclusive political subdivisions, either or both of
94 24 which is independently electing one or more officers or voting
94 25 on one or more questions on the same date, into two or more
94 26 temporary precincts and designate a polling place for each.
94 27 ~~3-~~ c. ~~Notwithstanding the provisions of the first~~
~~94 28 unnumbered paragraph of this section subsection 1 the~~
94 29 commissioner may consolidate precincts for any election
94 30 including a primary and general election under any of the
94 31 following circumstances:
94 32 ~~a-~~ (1) One of the precincts involved consists entirely of
94 33 dormitories that are closed at the time the election is held.
94 34 ~~b-~~ (2) The consolidated precincts, if established as a
94 35 permanent precinct, would meet all requirements of section
95 1 49.3, and a combined total of no more than three hundred fifty
95 2 voters voted in the consolidated precincts at the last
95 3 preceding similar election.
95 4 ~~c-~~ (3) The city council of a special charter city with a
95 5 population of three thousand five hundred or less which is
95 6 divided into council wards requests the commissioner to
95 7 consolidate two or more precincts for any election.
95 8 Sec. 150. Section 49.31, subsections 1 and 2, Code 2007,
95 9 are amended to read as follows:
95 10 1. a. All ballots shall be arranged with the names of
95 11 candidates for each office listed below the office title. For
95 12 partisan elections the name of the political party or
95 13 organization which nominated each candidate shall be listed
95 14 after or below each candidate's name.
95 15 b. The commissioner shall determine the order of political
95 16 parties and nonparty political organizations on the ballot.
95 17 The sequence shall be the same for each office on the ballot
95 18 and for each precinct in the county voting in the election.
95 19 2. a. The commissioner shall prepare a list of the
95 20 election precincts of the county, by arranging the various
95 21 townships and cities in the county in alphabetical order, and
95 22 the wards or precincts in each city or township in numerical
95 23 order under the name of such city or township.

95 24 b. The commissioner shall then arrange the surnames of
95 25 each political party's candidates for each office to which two
95 26 or more persons are to be elected at large alphabetically for
95 27 the respective offices for the first precinct on the list;
95 28 thereafter, for each political party and for each succeeding
95 29 precinct, the names appearing first for the respective offices
95 30 in the last preceding precinct shall be placed last, so that
95 31 the names that were second before the change shall be first
95 32 after the change. The commissioner may also rotate the names
95 33 of candidates of a political party in the reverse order of
95 34 that provided in this subsection or alternate the rotation so
95 35 that the candidates of different parties shall not be paired
96 1 as they proceed through the rotation. The procedure for
96 2 arrangement of names on ballots provided in this section shall
96 3 likewise be substantially followed in elections in political
96 4 subdivisions of less than a county.

96 5 c. On the general election ballot the names of candidates
96 6 for the nonpartisan offices listed in section 39.21 shall be
96 7 arranged by drawing lots for position. The commissioner shall
96 8 hold the drawing on the first business day following the
96 9 deadline for filing of nomination certificates or petitions
96 10 with the commissioner for the general election pursuant to
96 11 section 44.4. If a candidate withdraws, dies, or is removed
96 12 from the ballot after the ballot position of names has been
96 13 determined, such candidate's name shall be removed from the
96 14 ballot, and the order of the remaining names shall not be
96 15 changed.

96 16 Sec. 151. Section 49.37, subsection 1, Code 2007, is
96 17 amended to read as follows:

96 18 1. For general elections, and for other elections in which
96 19 more than one partisan office will be filled, the first
96 20 section of the ballot shall be for straight party voting.

96 21 a. Each political party or organization which has
96 22 nominated candidates for more than one office shall be listed.
96 23 Instructions to the voter for straight party or organization
96 24 voting shall be in substantially the following form:

96 25 PARAGRAPH DIVIDED. "To vote for all candidates from a
96 26 single party or organization, mark the voting target next to
96 27 the party or organization name. Not all parties or
96 28 organizations have nominated candidates for all offices.
96 29 Marking a straight party or organization vote does not include
96 30 votes for nonpartisan offices, judges, or questions."

96 31 b. Political parties and nonparty political organizations
96 32 which have nominated candidates for only one office shall be
96 33 listed below the other political organizations under the
96 34 following heading:

96 35 PARAGRAPH DIVIDED. "Other Political Organizations. The
97 1 following organizations have nominated candidates for only one
97 2 office:"

97 3 c. Offices shall be arranged in groups. Partisan offices,
97 4 nonpartisan offices, judges, and public measures shall be
97 5 separated by a distinct line appearing on the ballot.

97 6 Sec. 152. Section 49.77, subsections 1 and 3, Code
97 7 Supplement 2007, are amended to read as follows:

97 8 1. The board members of their respective precincts shall
97 9 have charge of the ballots and furnish them to the voters.

97 10 a. Any person desiring to vote shall sign a voter's
97 11 declaration provided by the officials, in substantially the
97 12 following form:

97 13 VOTER'S DECLARATION OF ELIGIBILITY

97 14 I do solemnly swear or affirm that I am a resident of the
97 15 precinct, ward or township, city of, county
97 16 of, Iowa.

97 17 I am a registered voter. I have not voted and will not
97 18 vote in any other precinct in said election.

97 19 I understand that any false statement in this declaration
97 20 is a criminal offense punishable as provided by law.

97 21
97 22 Signature of Voter
97 23
97 24 Address
97 25
97 26 Telephone

97 27 Approved:

97 28
97 29 Board Member

97 30 b. At the discretion of the commissioner, this declaration
97 31 may be printed on each page of the election register and the
97 32 voter shall sign the election register next to the voter's
97 33 printed name. The voter's signature in the election register
97 34 shall be considered the voter's signed declaration of

97 35 eligibility affidavit. The state commissioner of elections
98 1 shall prescribe by rule an alternate method for providing the
98 2 information in subsection 2 for those counties where the
98 3 declaration of eligibility is printed in the election
98 4 register. The state voter registration system shall be
98 5 designed to allow for the affidavit to be printed on each page
98 6 of the election register and to allow sufficient space for the
98 7 voter's signature.

98 8 3. a. A precinct election official shall require any
98 9 person whose name does not appear on the election register as
98 10 an active voter to show identification. Specific documents
98 11 which are acceptable forms of identification shall be
98 12 prescribed by the state commissioner.

98 13 b. A precinct election official may require of the voter
98 14 unknown to the official, identification upon which the voter's
98 15 signature or mark appears. If identification is established
98 16 to the satisfaction of the precinct election officials, the
98 17 person may then be allowed to vote.

98 18 Sec. 153. Section 50.48, subsections 1 through 4, Code
98 19 Supplement 2007, are amended to read as follows:

98 20 1. a. The county board of canvassers shall order a
98 21 recount of the votes cast for a particular office or
98 22 nomination in one or more specified election precincts in that
98 23 county if a written request therefor is made not later than
98 24 ~~five o'clock~~ 5:00 p.m. on the third day following the county
98 25 board's canvass of the election in question. The request
98 26 shall be filed with the commissioner of that county, or with
98 27 the commissioner responsible for conducting the election if
98 28 section 47.2, subsection 2 is applicable, and shall be signed
98 29 by either of the following:

98 30 ~~a.~~ (1) A candidate for that office or nomination whose
98 31 name was printed on the ballot of the precinct or precincts
98 32 where the recount is requested.

98 33 ~~b.~~ (2) Any other person who receives votes for that
98 34 particular office or nomination in the precinct or precincts
98 35 where the recount is requested and who is legally qualified to
99 1 seek and to hold the office in question.

99 2 b. Immediately upon receipt of a request for a recount,
99 3 the commissioner shall send a copy of the request to the
99 4 apparent winner by certified mail. The commissioner shall
99 5 also attempt to contact the apparent winner by telephone. If
99 6 the apparent winner cannot be reached within four days, the
99 7 chairperson of the political party or organization which
99 8 nominated the apparent winner shall be contacted and shall act
99 9 on behalf of the apparent winner, if necessary. For
99 10 candidates for state or federal offices, the chairperson of
99 11 the state party shall be contacted. For candidates for county
99 12 offices, the county chairperson of the party shall be
99 13 contacted.

99 14 2. a. The candidate requesting a recount under this
99 15 section shall post a bond, unless the abstracts prepared
99 16 pursuant to section 50.24, or section 43.49 in the case of a
99 17 primary election, indicate that the difference between the
99 18 total number of votes cast for the apparent winner and the
99 19 total number of votes cast for the candidate requesting the
99 20 recount is less than the greater of fifty votes or one percent
99 21 of the total number of votes cast for the office or nomination
99 22 in question. If a recount is requested for an office to which
99 23 more than one person was elected, the vote difference
99 24 calculations shall be made using the difference between the
99 25 number of votes received by the person requesting the recount
99 26 and the number of votes received by the apparent winner who
99 27 received the fewest votes. Where votes cast for that office
99 28 or nomination were canvassed in more than one county, the
99 29 abstracts prepared by the county boards in all of those
99 30 counties shall be totaled for purposes of this subsection. If
99 31 a bond is required, it shall be filed with the state
99 32 commissioner for recounts involving a state office, including
99 33 a seat in the general assembly, or a seat in the United States
99 34 Congress, and with the commissioner responsible for conducting
99 35 the election in all other cases, and shall be in the following

100 1 amount:

100 2 ~~a.~~ (1) For an office filled by the electors of the entire
100 3 state, one thousand dollars.

100 4 ~~b.~~ (2) For United States representative, five hundred
100 5 dollars.

100 6 ~~c.~~ (3) For senator in the general assembly, three hundred
100 7 dollars.

100 8 ~~d.~~ (4) For representative in the general assembly, one
100 9 hundred fifty dollars.

100 10 ~~e.~~ (5) For an office filled by the electors of an entire

100 11 county having a population of fifty thousand or more, two
100 12 hundred dollars.

100 13 ~~f. (6)~~ For any elective office to which ~~paragraphs "a" to~~
~~100 14 "e" of this subsection subparagraphs (1) through (5)~~ are not
100 15 applicable, one hundred dollars.

100 16 b. After all recount proceedings for a particular office
100 17 are completed and the official canvass of votes cast for that
100 18 office is corrected or completed pursuant to subsections 5 and
100 19 6, if necessary, any bond posted under this subsection shall
100 20 be returned to the candidate who requested the recount if the
100 21 apparent winner before the recount is not the winner as shown
100 22 by the corrected or completed canvass. In all other cases,
100 23 the bond shall be deposited in the general fund of the state
100 24 if filed with the state commissioner or in the election fund
100 25 of the county with whose commissioner it was filed.

100 26 3. a. The recount shall be conducted by a board which
100 27 shall consist of:

100 28 ~~a. (1)~~ A designee of the candidate requesting the
100 29 recount, who shall be named in the written request when it is
100 30 filed.

100 31 ~~b. (2)~~ A designee of the apparent winning candidate, who
100 32 shall be named by that candidate at or before the time the
100 33 board is required to convene.

100 34 ~~c. (3)~~ A person chosen jointly by the members designated
100 35 under ~~paragraphs "a" and "b" of this subsection subparagraphs~~
~~101 1 (1) and (2).~~

101 2 b. The commissioner shall convene the persons designated
101 3 under ~~paragraphs paragraph "a" and "b" of this subsection,~~
~~101 4 subparagraphs (1) and (2),~~ not later than ~~nine o'clock 9:00~~
101 5 a.m. on the seventh day following the county board's canvass
101 6 of the election in question. If those two members cannot
101 7 agree on the third member by ~~eight o'clock 8:00~~ a.m. on the
101 8 ninth day following the canvass, they shall immediately so
101 9 notify the chief judge of the judicial district in which the
101 10 canvass is occurring, who shall appoint the third member not
101 11 later than ~~five o'clock 5:00~~ p.m. on the eleventh day
101 12 following the canvass.

101 13 4. a. When all members of the recount board have been
101 14 selected, the board shall undertake and complete the required
101 15 recount as expeditiously as reasonably possible. The
101 16 commissioner or the commissioner's designee shall supervise
101 17 the handling of ballots or voting machine documents to ensure
101 18 that the ballots and other documents are protected from
101 19 alteration or damage. The board shall open only the sealed
101 20 ballot containers from the precincts specified to be recounted
101 21 in the request or by the recount board. The board shall
101 22 recount only the ballots which were voted and counted for the
101 23 office in question, including any disputed ballots returned as
101 24 required in section 50.5. If an electronic tabulating system
101 25 was used to count the ballots, the recount board may request
101 26 the commissioner to retabulate the ballots using the
101 27 electronic tabulating system. The same program used for
101 28 tabulating the votes on election day shall be used at the
101 29 recount unless the program is believed or known to be flawed.
101 30 If a voting machine was used, the paper record required in
101 31 section 52.7, subsection 2, shall be the official record used
101 32 in the recount. However, if the commissioner believes or
101 33 knows that the paper records produced from a machine have been
101 34 compromised due to damage, mischief, malfunction, or other
101 35 cause, the printed ballot images produced from the internal
102 1 audit log for that machine shall be the official record used
102 2 in the recount.

102 3 b. Any member of the recount board may at any time during
102 4 the recount proceedings extend the recount of votes cast for
102 5 the office or nomination in question to any other precinct or
102 6 precincts in the same county, or from which the returns were
102 7 reported to the commissioner responsible for conducting the
102 8 election, without the necessity of posting additional bond.

102 9 c. The ballots or voting machine documents shall be
102 10 resealed by the recount board before adjournment and shall be
102 11 preserved as required by section 50.12. At the conclusion of
102 12 the recount, the recount board shall make and file with the
102 13 commissioner a written report of its findings, which shall be
102 14 signed by at least two members of the recount board. The
102 15 recount board shall complete the recount and file its report
102 16 not later than the eighteenth day following the county board's
102 17 canvass of the election in question.

102 18 Sec. 154. Section 50.49, Code 2007, is amended to read as
102 19 follows:

102 20 50.49 RECOUNTS FOR PUBLIC MEASURES.

102 21 1. A recount for any public measure shall be ordered by

102 22 the board of canvassers if a petition requesting a recount is
102 23 filed with the county commissioner not later than three days
102 24 after the completion of the canvass of votes for the election
102 25 at which the question appeared on the ballot. The petition
102 26 shall be signed by the greater of not less than ten eligible
102 27 electors or a number of eligible electors equaling one percent
102 28 of the total number of votes cast upon the public measure.
102 29 Each petitioner must be a person who was entitled to vote on
102 30 the public measure in question or would have been so entitled
102 31 if registered to vote.

102 32 2. The recount shall be conducted by a board which shall
102 33 consist of:

102 34 ~~1. a.~~ A designee named in the petition requesting the
102 35 recount.

103 1 ~~2. b.~~ A designee named by the commissioner at or before
103 2 the time the board is required to convene.

103 3 ~~3. c.~~ A person chosen jointly by the members designated
103 4 under ~~subsections 1 and 2~~ paragraphs "a" and "b".

103 5 3. The commissioner shall convene the persons designated
103 6 under ~~subsections 1 and 2~~ paragraph 2, paragraphs "a" and "b",
103 7 not later than ~~nine~~ nine 9:00 a.m. on the seventh day following the
103 8 canvass of the election in question. If those two members
103 9 cannot agree on the third member by ~~eight 8:00~~ a.m. on the
103 10 ninth day following the canvass, they shall immediately notify
103 11 the chief judge of the judicial district in which the canvass
103 12 is occurring, who shall appoint the third member not later
103 13 than ~~five 5:00~~ p.m. on the eleventh day following the canvass.

103 14 4. The petitioners requesting the recount shall post a
103 15 bond as required by section 50.48, subsection 2. The amount
103 16 of the bond shall be one thousand dollars for a public measure
103 17 appearing on the ballot statewide or one hundred dollars for
103 18 any other public measure. If the difference between the
103 19 affirmative and negative votes cast on the public measure is
103 20 less than the greater of fifty votes or one percent of the
103 21 total number of votes cast for and against the question, a
103 22 bond is not required. If approval by sixty percent of the
103 23 votes cast is required for adoption of the public measure, no
103 24 bond is required if the difference between sixty percent of
103 25 the total votes cast for and against the question and the
103 26 number of votes cast for the losing side is less than the
103 27 greater of fifty votes or one percent of the total number of
103 28 votes cast.

103 29 5. The procedure for the recount shall follow the
103 30 provisions of section 50.48, subsections 4 through 7, as far
103 31 as possible.

103 32 Sec. 155. Section 52.9, subsections 2 and 3, Code
103 33 Supplement 2007, are amended to read as follows:

103 34 2. It shall be the duty of the commissioner or the
103 35 commissioner's duly authorized agents to examine and test the
104 1 voting machines to be used at any election, after the machines
104 2 have been prepared for the election and not less than twelve
104 3 hours before the opening of the polls on the morning of the
104 4 election. For any election to fill a partisan office, the
104 5 county chairperson of each political party referred to in
104 6 section 49.13 shall be notified in writing of the date, time,
104 7 and place the machines shall be examined and tested so that
104 8 they may be present, or have a representative present. For
104 9 every election, the commissioner shall publish notice of the
104 10 date, time, and place the examination and testing will be
104 11 conducted. The commissioner may include such notice in the
104 12 notice of the election published pursuant to section 49.53.

104 13 3. Those present for the examination and testing shall
104 14 sign a certificate which shall read substantially as follows:

104 15 The Undersigned Hereby Certify that, having duly qualified,
104 16 we were present and witnessed the testing and preparation of
104 17 the following voting machines; that we believe the same to be
104 18 in proper condition for use in the election of (date);
104 19 that each registering counter of the machine is set at 000;
104 20 that the public counter is set at 000; that the seal numbers
104 21 and the protective counter numbers are as indicated below.

104 22 Signed:
104 23
104 24 Republican (if applicable)
104 25
104 26 Democrat (if applicable)
104 27
104 28
104 29 Voting machine custodian
104 30 Dated

104 31 Machine	Protective	Seal
104 32 Number	Counter	Number

Number

34 34 34
35 35 35
1 1 1
2 2 2
3 3- 4. On those voting machines presently equipped with an
4 after-election latch and on all machines placed in use after
5 January 1, 1961, in this state, the after-election latch shall
6 be fully used by the election officials.
7 Sec. 156. Section 52.37, subsection 1, Code Supplement
8 2007, is amended to read as follows:
9 1. a. If any ballot is found damaged or defective, so
10 that it cannot be counted properly by the automatic tabulating
11 equipment, a true duplicate shall be made by the resolution
12 board team and substituted for the damaged or defective
13 ballot, or, as an alternative, the valid votes on a defective
14 ballot may be manually counted by the special precinct
15 election board, whichever method is best suited to the system
16 being used. All duplicate ballots shall be clearly labeled as
17 such, and shall bear a serial number which shall also be
18 recorded on the damaged or defective ballot.
19 b. The special precinct election board shall also tabulate
20 any write-in votes which were cast. Write-in votes cast for a
21 candidate whose name appears on the ballot for the same office
22 shall be counted as a vote for the candidate indicated, if the
23 vote is otherwise properly cast.
24 c. Ballots which are rejected by the tabulating equipment
25 as blank because they have been marked with an unreadable
26 marker shall be duplicated or tabulated as required by this
27 subsection for damaged or defective ballots. The commissioner
28 may instruct the special precinct election board to mark over
29 voters' unreadable marks using a marker compatible with the
30 tabulating equipment. The special precinct election board
31 shall take care to leave part of the original mark made by the
32 voter. If it is impossible to mark over the original marks
33 made by the voter without completely obliterating them, the
34 ballot shall be duplicated.
35 Sec. 157. Section 53.2, subsection 2, Code Supplement
1 2007, is amended to read as follows:
2 2. The state commissioner shall prescribe a form for
3 absentee ballot applications.
4 a. Absentee ballot applications may include instructions
5 to send the application directly to the county commissioner of
6 elections. However, no absentee ballot application shall be
7 preaddressed or printed with instructions to send the
8 applications to anyone other than the appropriate
9 commissioner.
10 b. No absentee ballot application shall be preaddressed or
11 printed with instructions to send the ballot to anyone other
12 than the voter.
13 Sec. 158. Section 64.24, Code 2007, is amended to read as
14 follows:
15 64.24 RECORDING.
16 1. a. The secretary of state, each county auditor,
17 district court clerk, and each auditor or clerk of a city
18 shall keep a book, to be known as the "Record of Official
19 Bonds", and all official bonds shall be recorded therein in
20 full as follows:
21 1- (1) In the record kept by the secretary of state, the
22 official bonds of all state officers, elective or appointive,
23 except the bonds of notaries public.
24 2- (2) In the record kept by the county auditor, the
25 official bonds of all county officers, elective or appointive,
26 and township clerks.
27 3- (3) In the record kept by the city auditor or clerk,
28 the official bonds of all city officers, elective or
29 appointive.
30 4- (4) In the record kept by the district court clerk,
31 the official bonds of judicial magistrates.
32 b. The records shall have an index which, under the title
33 of each office, shall show the name of each principal and the
34 date of the filing of the bond.
35 2. A bond when recorded shall be returned to the officer
1 charged with the custody thereof.
2 Sec. 159. Section 68A.402, subsection 2, paragraph b, Code
3 Supplement 2007, is amended to read as follows:
4 b. SUPPLEMENTARY REPORT == STATEWIDE AND GENERAL ASSEMBLY
5 ELECTIONS.
6 (1) A candidate's committee of a candidate for statewide
7 office or the general assembly shall file a supplementary
8 report in a year in which a primary, general, or special

election for that office is held. The supplementary reports shall be filed if contributions are received after the close of the period covered by the last report filed prior to that primary, general, or special election if any of the following applies:

- ~~(1)~~ (a) The committee of a candidate for governor receives ten thousand dollars or more.
- ~~(2)~~ (b) The committee of a candidate for any other statewide office receives five thousand dollars or more.
- ~~(3)~~ (c) The committee of a candidate for the general assembly receives one thousand dollars or more.

(2) The amount of any contribution causing a supplementary report under this paragraph "b" shall include the estimated fair market value of any in-kind contribution. The report shall be filed by the Friday immediately preceding the election and be current through the Tuesday immediately preceding the election.

Sec. 160. Section 68A.406, subsection 2, Code Supplement 2007, is amended to read as follows:

2. a. Campaign signs shall not be placed on any of the following:

- ~~a.~~ (1) Any property owned by the state or the governing body of a county, city, or other political subdivision of the state, including all property considered the public right-of-way. Upon a determination by the board that a sign has been improperly placed, the sign shall be removed by highway authorities as provided in section 318.5, or by county or city law enforcement authorities in a manner consistent with section 318.5.
- ~~b.~~ (2) Property owned by a prohibited contributor under section 68A.503 unless the sign advocates the passage or defeat of a ballot issue or is exempted under subsection 1.
- ~~c.~~ (3) On any property without the permission of the property owner.
- ~~d.~~ (4) On election day either on the premises of any polling place or within three hundred feet of any outside door of any building affording access to any room where the polls are held, or of any outside door of any building affording access to any hallway, corridor, stairway, or other means of reaching the room where the polls are held.
- ~~e.~~ (5) Within three hundred feet of an absentee voting site during the hours when absentee ballots are available in the office of the county commissioner of elections as provided in section 53.10.
- ~~f.~~ (6) Within three hundred feet of a satellite absentee voting station during the hours when absentee ballots are available at the satellite absentee voting station as provided in section 53.11.

b. Paragraphs "~~d~~", "~~e~~", and "~~f~~" Paragraph "a", subparagraphs (4), (5), and (6) shall not apply to the posting of signs on private property not a polling place, except that the placement of a sign on a motor vehicle, trailer, or semitrailer, or any attachment to a motor vehicle, trailer, or semitrailer parked on public property within three hundred feet of a polling place, which sign is more than ninety square inches in size, is prohibited.

Sec. 161. Section 69.8, subsection 5, Code 2007, is amended to read as follows:

5. ELECTED TOWNSHIP OFFICES.

a. When a vacancy occurs in the office of township clerk or township trustee, the vacancy shall be filled by appointment by the trustees. All appointments to fill vacancies in township offices shall be until a successor is elected at the next general election and qualifies by taking the oath of office. If the term of office in which the vacancy exists will expire within seventy days after the next general election, the person elected to the office for the succeeding term shall qualify by taking the oath of office within ten days after the election and shall serve for the remainder of the unexpired term, as well as for the next four-year term.

b. However, if the offices of two trustees are vacant the county board of supervisors shall fill the vacancies by appointment. If the offices of three trustees are vacant the board may fill the vacancies by appointment, or the board may adopt a resolution stating that the board will exercise all powers and duties assigned by law to the trustees of the township in which the vacancies exist until the vacancies are filled at the next general election. If a township office vacancy is not filled by the trustees within thirty days after the vacancy occurs, the board of supervisors may appoint a

109 20 successor to fill the vacancy until the vacancy can be filled
109 21 at the next general election.

109 22 Sec. 162. Section 69.14A, subsections 1 and 2, Code 2007,
109 23 are amended to read as follows:

109 24 1. A vacancy on the board of supervisors shall be filled
109 25 by one of the following procedures:

109 26 a. By appointment by the committee of county officers
109 27 designated to fill the vacancy in section 69.8.

109 28 (1) The appointment shall be for the period until the next
109 29 pending election as defined in section 69.12, and shall be
109 30 made within forty days after the vacancy occurs. If the

109 31 committee of county officers designated to fill the vacancy
109 32 chooses to proceed under this paragraph, the committee shall
109 33 publish notice in the manner prescribed by section 331.305

109 34 stating that the committee intends to fill the vacancy by
109 35 appointment but that the electors of the district or county,

110 1 as the case may be, have the right to file a petition
110 2 requiring that the vacancy be filled by special election. The

110 3 committee may publish notice in advance if an elected official
110 4 submits a resignation to take effect at a future date. The

110 5 committee may make an appointment to fill the vacancy after
110 6 the notice is published or after the vacancy occurs, whichever

110 7 is later. A person appointed to an office under this
110 8 subsection shall have actually resided in the county which the

110 9 appointee represents sixty days prior to appointment.
110 10 (2) However, if within fourteen days after publication of

110 11 the notice or within fourteen days after the appointment is
110 12 made, a petition is filed with the county auditor requesting a

110 13 special election to fill the vacancy, the appointment is
110 14 temporary and a special election shall be called as provided

110 15 in paragraph "b". The petition shall meet the requirements of
110 16 section 331.306, except that in counties where supervisors are

110 17 elected under plan "three", the number of signatures
110 18 calculated according to the formula in section 331.306 shall

110 19 be divided by the number of supervisor districts in the
110 20 county.

110 21 b. By special election held to fill the office for the
110 22 remaining balance of the unexpired term.

110 23 (1) The committee of county officers designated to fill
110 24 the vacancy in section 69.8 may, on its own motion, or shall,
110 25 upon receipt of a petition as provided in paragraph "a", call

110 26 for a special election to fill the vacancy in lieu of
110 27 appointment. The committee shall order the special election

110 28 at the earliest practicable date, but giving at least
110 29 thirty-two days' notice of the election. A special election

110 30 called under this section shall be held on a Tuesday and shall
110 31 not be held on the same day as a school election within the

110 32 county.
110 33 (2) However, if a vacancy on the board of supervisors

110 34 occurs after the date of the primary election and more than
110 35 seventy-three days before the general election, a special

111 1 election to fill the vacancy shall not be called by the
111 2 committee or by petition. If the term of office in which the

111 3 vacancy exists will expire more than seventy days after the
111 4 general election, the office shall be listed on the ballot, as

111 5 "For Board of Supervisors, To Fill Vacancy". The person
111 6 elected at the general election shall assume office as soon as

111 7 a certificate of election is issued and the person has
111 8 qualified by taking the oath of office. The person shall

111 9 serve the balance of the unexpired term.
111 10 (3) If the term of office in which the vacancy exists will

111 11 expire within seventy days after the general election, the
111 12 person elected to the succeeding term shall also serve the

111 13 balance of the unexpired term. The person elected at the
111 14 general election shall assume office as soon as a certificate

111 15 of election is issued and the person has qualified by taking
111 16 the oath of office.

111 17 c. For a vacancy declared by the board pursuant to section
111 18 331.214, subsection 2, by special election held to fill the

111 19 office if the remaining balance of the unexpired term is two
111 20 and one-half years or more. The committee of county officers

111 21 designated to fill the vacancy in section 69.8 shall order the
111 22 special election at the earliest practicable date, but giving

111 23 at least thirty-two days' notice of the election. A special
111 24 election called under this section shall be held on a Tuesday

111 25 and shall not be held on the same day as a school election
111 26 within the county. The office shall be listed on the ballot,

111 27 as "For Board of Supervisors, To Fill Vacancy". The person
111 28 elected at the special election shall serve the balance of the

111 29 unexpired term.
111 30 2. A vacancy in any of the offices listed in section 39.17

111 31 shall be filled by one of the two following procedures:

111 32 a. By appointment by the board of supervisors.

111 33 (1) The appointment shall be for the period until the next
111 34 pending election as defined in section 69.12, and shall be
111 35 made within forty days after the vacancy occurs. If the board
112 1 of supervisors chooses to proceed under this paragraph, the
112 2 board shall publish notice in the manner prescribed by section
112 3 331.305 stating that the board intends to fill the vacancy by
112 4 appointment but that the electors of the county have the right
112 5 to file a petition requiring that the vacancy be filled by
112 6 special election. The board may publish notice in advance if
112 7 an elected official submits a resignation to take effect at a
112 8 future date. The board may make an appointment to fill the
112 9 vacancy after the notice is published or after the vacancy
112 10 occurs, whichever is later. A person appointed to an office
112 11 under this subsection, except for a county attorney, shall
112 12 have actually resided in the county which the appointee
112 13 represents sixty days prior to appointment. A person
112 14 appointed to the office of county attorney shall be a resident
112 15 of the county at the time of appointment.

112 16 (2) However, if within fourteen days after publication of
112 17 the notice or within fourteen days after the appointment is
112 18 made, a petition is filed with the county auditor requesting a
112 19 special election to fill the vacancy, the appointment is
112 20 temporary and a special election shall be called as provided
112 21 in paragraph "b". The petition shall meet the requirements of
112 22 section 331.306.

112 23 b. By special election held to fill the office for the
112 24 remaining balance of the unexpired term.

112 25 (1) The board of supervisors may, on its own motion, or
112 26 shall, upon receipt of a petition as provided in paragraph
112 27 "a", call for a special election to fill the vacancy in lieu
112 28 of appointment. The supervisors shall order the special
112 29 election at the earliest practicable date, but giving at least
112 30 thirty-two days' notice of the election. A special election
112 31 called under this section shall be held on a Tuesday and shall
112 32 not be held on the same day as a school election within the
112 33 county.

112 34 (2) If a vacancy in an elective county office occurs after
112 35 the date of the primary election and more than seventy-three
113 1 days before the general election, a special election to fill
113 2 the vacancy shall not be called by the board of supervisors or
113 3 by petition. If the term of office in which the vacancy
113 4 exists will expire more than seventy days after the general
113 5 election, the office shall be listed on the ballot with the
113 6 name of the office and the additional description, "To Fill
113 7 Vacancy". The person elected at the general election shall
113 8 assume office as soon as a certificate of election is issued
113 9 and the person has qualified by taking the oath of office.
113 10 The person shall serve the balance of the unexpired term.

113 11 (3) If the term of office in which the vacancy exists will
113 12 expire within seventy days after the general election, the
113 13 person elected to the succeeding term shall also serve the
113 14 balance of the unexpired term. The person elected at the
113 15 general election shall assume office as soon as a certificate
113 16 of election is issued and the person has qualified by taking
113 17 the oath of office.

113 18 Sec. 163. Section 73.2, subsection 1, Code 2007, is
113 19 amended to read as follows:

113 20 1. a. All requests hereafter made for bids and proposals
113 21 for materials, products, supplies, provisions, and other
113 22 needed articles to be purchased at public expense, shall be
113 23 made in general terms and by general specifications and not by
113 24 brand, trade name, or other individual mark.

113 25 b. All such requests and bids shall contain a paragraph in
113 26 easily legible print, reading as follows:

113 27 By "By virtue of statutory authority, a preference will be
113 28 given to products and provisions grown and coal produced
113 29 within the state of Iowa."

113 30 Sec. 164. Section 73.16, subsection 2, Code Supplement
113 31 2007, is amended to read as follows:

113 32 2. a. Prior to the commencement of a fiscal year, the
113 33 director of each agency or department of state government
113 34 having purchasing authority, in cooperation with the targeted
113 35 small business marketing and compliance manager of the
114 1 department of economic development, shall establish for that
114 2 fiscal year a procurement goal from certified targeted small
114 3 businesses identified pursuant to section 10A.104, subsection
114 4 8.

114 5 (1) The procurement goal shall include the procurement of
114 6 all goods and services, including construction, but not

114 7 including utility services.

114 8 (2) A procurement goal shall be stated in terms of a
114 9 dollar amount of certified purchases and shall be established
114 10 at a level that exceeds the procurement levels from certified
114 11 targeted small businesses during the previous fiscal year.
114 12 b. The director of an agency or department of state
114 13 government that has established a procurement goal as required
114 14 under this subsection shall provide a report within fifteen
114 15 business days following the end of each calendar quarter to
114 16 the targeted small business marketing and compliance manager
114 17 of the department of economic development, providing the total
114 18 dollar amount of certified purchases from certified targeted
114 19 small businesses during the previous calendar quarter. The
114 20 required report shall be made in a form approved by the
114 21 targeted small business marketing and compliance manager. The
114 22 first quarterly report shall be for the calendar quarter
114 23 ending September 30, 2007.

114 24 c. (1) The director of each department and agency of
114 25 state government shall cooperate with the director of the
114 26 department of inspections and appeals, the director of the
114 27 department of economic development, and the director of the
114 28 department of management and do all acts necessary to carry
114 29 out the provisions of this division.

114 30 (2) The director of each agency or department of state
114 31 government having purchasing authority shall issue electronic
114 32 bid notices for distribution to the targeted small business
114 33 web page located at the department of economic development if
114 34 the director releases a solicitation for bids for procurement
114 35 of equipment, supplies, or services. The notices shall be
115 1 provided to the targeted small business marketing manager
115 2 forty-eight hours prior to the issuance of all bid notices.
115 3 The notices shall contain a description of the subject of the
115 4 bid, a point of contact for the bid, and any subcontract goals
115 5 included in the bid.

115 6 (3) A community college, area education agency, or school
115 7 district shall establish a procurement goal from certified
115 8 targeted small businesses, identified pursuant to section
115 9 10A.104, subsection 8, of at least ten percent of the value of
115 10 anticipated procurements of goods and services including
115 11 construction, but not including utility services, each fiscal
115 12 year.

115 13 d. Of the total value of anticipated procurements of goods
115 14 and services under this subsection, an additional goal shall
115 15 be established to procure at least forty percent from
115 16 minority-owned businesses, and forty percent from female-owned
115 17 businesses.

115 18 Sec. 165. Section 74A.3, Code 2007, is amended to read as
115 19 follows:

115 20 74A.3 INTEREST RATES FOR PUBLIC OBLIGATIONS.

115 21 1. Except as otherwise provided by law, the rates of
115 22 interest on obligations issued by this state, or by a county,
115 23 school district, city, special improvement district, or any
115 24 other governmental body or agency are as follows:

115 25 1- a. General obligation bonds, warrants, or other
115 26 evidences of indebtedness which are payable from general
115 27 taxation or from the state's sinking fund for public deposits
115 28 may bear interest at a rate to be set by the issuing
115 29 governmental body or agency.

115 30 2- b. Revenue bonds, warrants, pledge orders or other
115 31 obligations, the principal and interest of which are to be
115 32 paid solely from the revenue derived from the operations of
115 33 the publicly owned enterprise or utility for which the bonds
115 34 or obligations are issued, may bear interest at a rate to be
115 35 set by the issuing governmental body or agency.

116 1 3- c. Special assessment bonds, certificates, warrants or
116 2 other obligations, the principal and interest of which are
116 3 payable from special assessments levied against benefited
116 4 property may bear interest at a rate to be set by the issuing
116 5 governmental body or agency.

116 6 2. The interest rates authorized by this section to be set
116 7 by the issuing governmental body or agency shall be set in
116 8 each instance by the governing body which, in accordance with
116 9 applicable provisions of law then in effect, authorizes the
116 10 issuance of the bonds, warrants, pledge orders, certificates,
116 11 obligations, or other evidences of indebtedness.

116 12 Sec. 166. Section 80.8, Code 2007, is amended to read as
116 13 follows:

116 14 80.8 EMPLOYEES AND PEACE OFFICERS == SALARIES AND
116 15 COMPENSATION.

116 16 1. The commissioner shall employ personnel as may be
116 17 required to properly discharge the duties of the department.

116 18 2. The commissioner may delegate to the peace officers of
116 19 the department such additional duties in the enforcement of
116 20 this chapter as the commissioner may deem proper and
116 21 incidental to the duties now imposed upon them by law.

116 22 3. a. The salaries of peace officers and employees of the
116 23 department and the expenses of the department shall be
116 24 provided for by a legislative appropriation. The compensation
116 25 of peace officers of the department shall be fixed according
116 26 to grades as to rank and length of service by the commissioner
116 27 with the approval of the department of administrative
116 28 services, unless covered by a collective bargaining agreement
116 29 that provides otherwise.

116 30 b. The peace officers shall be paid additional
116 31 compensation in accordance with the following formula: When
116 32 peace officers have served for a period of five years, their
116 33 compensation then being paid shall be increased by the sum of
116 34 twenty-five dollars per month beginning with the month
116 35 succeeding the foregoing described five-year period; when
117 1 peace officers have served for a period of ten years, their
117 2 compensation then being paid shall be increased by the sum of
117 3 twenty-five dollars per month beginning with the month
117 4 succeeding the foregoing described ten-year period, such sums
117 5 being in addition to the increase provided herein to be paid
117 6 after five years of service; when peace officers have served
117 7 for a period of fifteen years, their compensation then being
117 8 paid shall be increased by the sum of twenty-five dollars per
117 9 month beginning with the month succeeding the foregoing
117 10 described fifteen-year period, such sums being in addition to
117 11 the increases previously provided for herein; when peace
117 12 officers have served for a period of twenty years, their
117 13 compensation then being paid shall be increased by the sum of
117 14 twenty-five dollars per month beginning with the month
117 15 succeeding the foregoing described twenty-year period, such
117 16 sums being in addition to the increases previously provided
117 17 for herein.

117 18 c. While on active duty, each peace officer shall also
117 19 receive a flat daily sum as fixed by the commissioner for
117 20 meals unless the amount of the flat daily sum is covered by a
117 21 collective bargaining agreement that provides otherwise.

117 22 d. A collective bargaining agreement entered into between
117 23 the state and a state employee organization under chapter 20
117 24 made final after July 1, 1977, shall not include any pay
117 25 adjustment to longevity pay authorized under this section.

117 26 e. Peace officers of the department excluded from the
117 27 provisions of chapter 20 who are injured in the line of duty
117 28 shall receive paid time off in the same manner as provided to
117 29 peace officers of the department covered by a collective
117 30 bargaining agreement entered into between the state and the
117 31 employee organization representing such covered peace officers
117 32 under chapter 20.

117 33 Sec. 167. Section 80E.2, Code 2007, is amended to read as
117 34 follows:

117 35 80E.2 DRUG POLICY ADVISORY COUNCIL == MEMBERSHIP ==
118 1 DUTIES.

118 2 1. An Iowa drug policy advisory council is established
118 3 which shall consist of the following fifteen members:

118 4 a. The drug policy coordinator, who shall serve as
118 5 chairperson of the council.

118 6 b. The director of the department of corrections, or the
118 7 director's designee.

118 8 c. The director of the department of education, or the
118 9 director's designee.

118 10 d. The director of the Iowa department of public health,
118 11 or the director's designee.

118 12 e. The commissioner of public safety, or the
118 13 commissioner's designee.

118 14 f. The director of the department of human services, or
118 15 the director's designee.

118 16 g. The director of the division of criminal and juvenile
118 17 justice planning in the department of human rights, or the
118 18 division director's designee.

118 19 h. A prosecuting attorney.

118 20 i. A licensed substance abuse treatment specialist.

118 21 j. A certified substance abuse prevention specialist.

118 22 k. A substance abuse treatment program director.

118 23 l. A justice of the Iowa supreme court, or judge, as
118 24 designated by the chief justice of the supreme court.

118 25 m. A member representing the Iowa association of chiefs of
118 26 police and peace officers.

118 27 n. A member representing the Iowa state police
118 28 association.

118 29 o. A member representing the Iowa state sheriffs' and
118 30 deputies' association.
118 31 2. The prosecuting attorney, licensed substance abuse
118 32 treatment specialist, certified substance abuse prevention
118 33 specialist, substance abuse treatment program director, member
118 34 representing the Iowa association of chiefs of police and
118 35 peace officers, member representing the Iowa state police
119 1 association, and the member representing the Iowa state
119 2 sheriffs' and deputies' association shall be appointed by the
119 3 governor, subject to senate confirmation, for four-year terms
119 4 beginning and ending as provided in section 69.19. A vacancy
119 5 on the council shall be filled for the unexpired term in the
119 6 same manner as the original appointment was made.

119 7 ~~2.~~ 3. The council shall make policy recommendations to
119 8 the appropriate departments concerning the administration,
119 9 development, and coordination of programs related to substance
119 10 abuse education, prevention, treatment, and enforcement.

119 11 ~~3.~~ 4. The members of the council shall be reimbursed for
119 12 actual and necessary travel and related expenses incurred in
119 13 the discharge of official duties. Each member of the council
119 14 may also be eligible to receive compensation as provided in
119 15 section 7E.6.

119 16 ~~4.~~ 5. The council shall meet at least quarterly
119 17 throughout the year.

119 18 ~~5.~~ 6. A majority of the members of the council
119 19 constitutes a quorum, and a majority of the total membership
119 20 of the council is necessary to act in any matter within the
119 21 jurisdiction of the council.

119 22 Sec. 168. Section 84A.1, subsections 2 and 3, Code 2007,
119 23 are amended to read as follows:

119 24 2. The chief executive officer of the department of
119 25 workforce development is the director who shall be appointed
119 26 by the governor, subject to confirmation by the senate under
119 27 the confirmation procedures of section 2.32.

119 28 a. The director of the department of workforce development
119 29 shall serve at the pleasure of the governor.

119 30 b. The governor shall set the salary of the director
119 31 within the applicable salary range established by the general
119 32 assembly.

119 33 c. The director shall be selected solely on the ability to
119 34 administer the duties and functions granted to the director
119 35 and the department and shall devote full time to the duties of
120 1 the director.

120 2 d. If the office of director becomes vacant, the vacancy
120 3 shall be filled in the same manner as the original appointment
120 4 was made.

120 5 3. a. The director of the department of workforce
120 6 development shall, subject to the requirements of section
120 7 84A.1B, prepare, administer, and control the budget of the
120 8 department and its divisions and shall approve the employment
120 9 of all personnel of the department and its divisions.

120 10 b. The director of the department of workforce development
120 11 shall direct the administrative and compliance functions and
120 12 control the docket of the division of workers' compensation.

120 13 ~~3.~~ 4. The department of workforce development shall
120 14 include the division of labor services, the division of
120 15 workers' compensation, and other divisions as appropriate.

120 16 Sec. 169. Section 85.31, subsection 1, Code 2007, is
120 17 amended to read as follows:

120 18 1. a. When death results from the injury, the employer
120 19 shall pay the dependents who were wholly dependent on the
120 20 earnings of the employee for support at the time of the
120 21 injury, during their lifetime, compensation upon the basis of
120 22 eighty percent per week of the employee's average weekly
120 23 spendable earnings, commencing from the date of death as
120 24 follows:

120 25 ~~a.~~ (1) To the surviving spouse for life or until
120 26 remarriage, provided that upon remarriage two years' benefits
120 27 shall be paid to the surviving spouse in a lump sum, if there
120 28 are no children entitled to benefits.

120 29 ~~b.~~ (2) To any child of the deceased until the child shall
120 30 reach the age of eighteen, provided that a child beyond
120 31 eighteen years of age shall receive benefits to the age of
120 32 twenty-five if actually dependent, and the fact that a child
120 33 is under twenty-five years of age and is enrolled as a
120 34 full-time student in any accredited educational institution
120 35 shall be a prima facie showing of actual dependency.

121 1 ~~c.~~ (3) To any child who was physically or mentally
121 2 incapacitated from earning at the time of the injury causing
121 3 death for the duration of the incapacity from earning.

121 4 ~~d.~~ (4) To all other dependents as defined in section

121 5 85.44 for the duration of the incapacity from earning.
121 6 b. The weekly benefit amount shall not exceed a weekly
121 7 benefit amount, rounded to the nearest dollar, equal to two
121 8 hundred percent of the statewide average weekly wage paid
121 9 employees as determined by the department of workforce
121 10 development under section 96.19, subsection 36, and in effect
121 11 at the time of the injury. The minimum weekly benefit amount
121 12 shall be equal to the weekly benefit amount of a person whose
121 13 gross weekly earnings are thirty-five percent of the statewide
121 14 average weekly wage. Such compensation shall be in addition
121 15 to the benefits provided by sections 85.27 and 85.28.

121 16 Sec. 170. Section 85.34, subsection 3, Code 2007, is
121 17 amended to read as follows:

121 18 3. PERMANENT TOTAL DISABILITY.

121 19 a. Compensation for an injury causing permanent total
121 20 disability shall be upon the basis of eighty percent per week
121 21 of the employee's average spendable weekly earnings, but not
121 22 more than a weekly benefit amount, rounded to the nearest
121 23 dollar, equal to two hundred percent of the statewide average
121 24 weekly wage paid employees as determined by the department of
121 25 workforce development under section 96.19, subsection 36, and
121 26 in effect at the time of the injury. The minimum weekly
121 27 benefit amount is equal to the weekly benefit amount of a
121 28 person whose gross weekly earnings are thirty-five percent of
121 29 the statewide average weekly wage. The weekly compensation is
121 30 payable during the period of the employee's disability.

121 31 b. Such compensation shall be in addition to the benefits
121 32 provided in sections 85.27 and 85.28. No compensation shall
121 33 be payable under this subsection for any injury for which
121 34 compensation is payable under subsection 2 of this section.
121 35 In the event compensation has been paid to any person under
122 1 any provision of this chapter, chapter 85A or chapter 85B for
122 2 the same injury producing a total permanent disability, any
122 3 such amounts so paid shall be deducted from the total amount
122 4 of compensation payable for such permanent total disability.

122 5 Sec. 171. Section 85.45, Code 2007, is amended to read as
122 6 follows:

122 7 85.45 COMMUTATION.

122 8 1. Future payments of compensation may be commuted to a
122 9 present worth lump sum payment on the following conditions:

122 10 ~~1- a.~~ a. When the period during which compensation is
122 11 payable can be definitely determined.

122 12 ~~2- b.~~ b. When it shall be shown to the satisfaction of the
122 13 workers' compensation commissioner that such commutation will
122 14 be for the best interest of the person or persons entitled to
122 15 the compensation, or that periodical payments as compared with
122 16 a lump sum payment will entail undue expense, hardship, or
122 17 inconvenience upon the employer liable therefor.

122 18 ~~3- c.~~ c. When the recipient of commuted benefits is a minor
122 19 employee, the workers' compensation commissioner may order
122 20 that such benefits be paid to a trustee as provided in section
122 21 85.49.

122 22 ~~4- d.~~ d. When a person seeking a commutation is a surviving
122 23 spouse, an employee with a permanent and total disability, or
122 24 a dependent who is entitled to benefits as provided in section
122 25 85.31, subsection 1, ~~paragraphs "c" and "d"~~ paragraph "a",
122 26 subparagraphs (3) and (4), the future payments which may be
122 27 commuted shall not exceed the number of weeks which shall be
122 28 indicated by probability tables designated by the workers'
122 29 compensation commissioner for death and remarriage, subject to
122 30 the provisions of chapter 17A.

122 31 2. Future payments of compensation shall not be commuted
122 32 to a present worth lump sum payment when the employee is an
122 33 inmate as set forth in section 85.59.

122 34 Sec. 172. Section 86.8, Code 2007, is amended to read as
122 35 follows:

123 1 86.8 DUTIES.

123 2 1. The commissioner shall:

123 3 ~~1- a.~~ a. Adopt and enforce rules necessary to implement this
123 4 chapter and chapters 85, 85A, 85B, and 87.

123 5 ~~2- b.~~ b. Prepare and distribute the necessary blanks
123 6 relating to computation, adjustment, and settlement of
123 7 compensation.

123 8 ~~3- c.~~ c. Prepare and publish statistical reports and
123 9 analyses regarding the cost, occurrence, and sources of
123 10 employment injuries.

123 11 ~~4- d.~~ d. Administer oaths and examine books and records of
123 12 parties subject to the workers' compensation laws.

123 13 ~~5- e.~~ e. Provide a seal for the authentication of orders and
123 14 records and for other purposes as required.

123 15 2. Subject to the approval of the director of the

123 16 department of workforce development, the commissioner may
123 17 enter into contracts with any state agency, with or without
123 18 reimbursement, for the purpose of obtaining the services,
123 19 facilities, and personnel of the agency and with the consent
123 20 of any state agency or political subdivision of the state,
123 21 accept and use the services, facilities, and personnel of the
123 22 agency or political subdivision, and employ experts and
123 23 consultants or organizations in order to expeditiously,
123 24 efficiently, and economically effectuate the purposes of this
123 25 chapter. The agreements under this ~~paragraph~~ subsection are
123 26 subject to approval by the executive council if approval is
123 27 required by law.

123 28 Sec. 173. Section 88.6, subsection 8, Code 2007, is
123 29 amended to read as follows:

123 30 8. CONFIDENTIALITY. Notwithstanding chapter 22, records
123 31 prepared or obtained by the commissioner relating to an
123 32 enforcement action conducted pursuant to this chapter shall be
123 33 kept confidential until the enforcement action is complete.

123 34 a. For purposes of this subsection, an enforcement action
123 35 is complete when any of the following occurs:

124 1 a. (1) An inspection file is closed without the issuance
124 2 of a citation.

124 3 b. (2) A citation or noncompliance notice resulting from
124 4 an inspection becomes a final order of the employment appeal
124 5 board and all applicable courts pursuant to sections 88.8 and
124 6 88.9, and abatement is verified.

124 7 c. (3) A determination and any subsequent action is final
124 8 in an occupational safety and health discrimination case.

124 9 b. A citation or noncompliance notice shall remain a
124 10 confidential record until received by the appropriate
124 11 employer.

124 12 c. This subsection shall not affect the discovery rights
124 13 of any party to a contested case.

124 14 Sec. 174. Section 88.9, subsections 1 and 3, Code 2007,
124 15 are amended to read as follows:

124 16 1. AGGRIEVED PERSONS.

124 17 a. Judicial review of any order of the appeal board issued
124 18 under section 88.8, subsection 3, may be sought in accordance
124 19 with the terms of the Iowa administrative procedure Act,
124 20 chapter 17A. Notwithstanding the terms of the Iowa
124 21 administrative procedure Act, chapter 17A, petitions for
124 22 judicial review may be filed in the district court of the
124 23 county in which the violation is alleged to have occurred or
124 24 where the employer has its principal office and may be filed
124 25 within sixty days following the issuance of such order. The
124 26 appeal board's copy of the testimony shall be available to all
124 27 parties for examination at all reasonable times, without cost,
124 28 and for the purpose of judicial review of the appeal board's
124 29 orders.

124 30 b. The commissioner may obtain judicial review or
124 31 enforcement of any final order or decision of the appeal board
124 32 by filing a petition in the district court of the county in
124 33 which the alleged violation occurred or in which the employer
124 34 has its principal office. The judicial review provisions of
124 35 chapter 17A shall govern such proceedings to the extent
125 1 applicable.

125 2 c. Notwithstanding section 10A.601, subsection 7, and
125 3 chapter 17A, the commissioner has the exclusive right to
125 4 represent the appeal board in any judicial review of an appeal
125 5 board decision under this chapter in which the commissioner
125 6 does not appeal the appeal board decision, except as provided
125 7 by section 88.17.

125 8 3. DISCRIMINATION AND DISCHARGE.

125 9 a. (1) A person shall not discharge or in any manner
125 10 discriminate against an employee because the employee has
125 11 filed a complaint or instituted or caused to be instituted a
125 12 proceeding under or related to this chapter or has testified
125 13 or is about to testify in any such proceeding or because of
125 14 the exercise by the employee on behalf of the employee or
125 15 others of a right afforded by this chapter.

125 16 (2) A person shall not discharge or in any manner
125 17 discriminate against an employee because the employee, who
125 18 with no reasonable alternative, refuses in good faith to
125 19 expose the employee's self to a dangerous condition of a
125 20 nature that a reasonable person, under the circumstances then
125 21 confronting the employee, would conclude that there is a real
125 22 danger of death or serious injury; provided the employee,
125 23 where possible, has first sought through resort to regular
125 24 statutory enforcement channels, unless there has been
125 25 insufficient time due to the urgency of the situation, or the
125 26 employee has sought and been unable to obtain from the person,

125 27 a correction of the dangerous condition.

125 28 b. (1) An employee who believes that the employee has
125 29 been discharged or otherwise discriminated against by a person
125 30 in violation of this subsection may, within thirty days after
125 31 the violation occurs, file a complaint with the commissioner
125 32 alleging discrimination.

125 33 (2) Upon receipt of the complaint, the commissioner shall
125 34 conduct an investigation as the commissioner deems
125 35 appropriate. If, upon investigation, the commissioner
126 1 determines that the provisions of this subsection have been
126 2 violated, the commissioner shall bring an action in the
126 3 appropriate district court against the person. In any such
126 4 action, the district court has jurisdiction to restrain
126 5 violations of this subsection and order all appropriate relief
126 6 including rehiring or reinstatement of the employee to the
126 7 employee's former position with back pay.

126 8 (3) Within ninety days of the receipt of a complaint filed
126 9 under this subsection, the commissioner shall notify the
126 10 complainant of the commissioner's determination under this
126 11 subsection.

126 12 Sec. 175. Section 96.3, subsection 7, Code 2007, is
126 13 amended to read as follows:

126 14 7. RECOVERY OF OVERPAYMENT OF BENEFITS.

126 15 a. If an individual receives benefits for which the
126 16 individual is subsequently determined to be ineligible, even
126 17 though the individual acts in good faith and is not otherwise
126 18 at fault, the benefits shall be recovered. The department in
126 19 its discretion may recover the overpayment of benefits either
126 20 by having a sum equal to the overpayment deducted from any
126 21 future benefits payable to the individual or by having the
126 22 individual pay to the department a sum equal to the
126 23 overpayment.

126 24 b. If the department determines that an overpayment has
126 25 been made, the charge for the overpayment against the
126 26 employer's account shall be removed and the account shall be
126 27 credited with an amount equal to the overpayment from the
126 28 unemployment compensation trust fund and this credit shall
126 29 include both contributory and reimbursable employers,
126 30 notwithstanding section 96.8, subsection 5.

126 31 Sec. 176. Section 96.4, subsections 4 and 6, Code 2007,
126 32 are amended to read as follows:

126 33 4. a. The individual has been paid wages for insured work
126 34 during the individual's base period in an amount at least one
126 35 and one-quarter times the wages paid to the individual during
127 1 that quarter of the individual's base period in which the
127 2 individual's wages were highest; provided that the individual
127 3 has been paid wages for insured work totaling at least three
127 4 and five-tenths percent of the statewide average annual wage
127 5 for insured work, computed for the preceding calendar year if
127 6 the individual's benefit year begins on or after the first
127 7 full week in July and computed for the second preceding
127 8 calendar year if the individual's benefit year begins before
127 9 the first full week in July, in that calendar quarter in the
127 10 individual's base period in which the individual's wages were
127 11 highest, and the individual has been paid wages for insured
127 12 work totaling at least one-half of the amount of wages
127 13 required under this subsection in the calendar quarter of the
127 14 base period in which the individual's wages were highest, in a
127 15 calendar quarter in the individual's base period other than
127 16 the calendar quarter in which the individual's wages were
127 17 highest. The calendar quarter wage requirements shall be
127 18 rounded to the nearest multiple of ten dollars.

127 19 b. If the individual has drawn benefits in any benefit
127 20 year, the individual must during or subsequent to that year,
127 21 work in and be paid wages for insured work totaling at least
127 22 two hundred fifty dollars, as a condition to receive benefits
127 23 in the next benefit year.

127 24 6. a. An otherwise eligible individual shall not be
127 25 denied benefits for any week because the individual is in
127 26 training with the approval of the director, nor shall the
127 27 individual be denied benefits with respect to any week in
127 28 which the individual is in training with the approval of the
127 29 director by reason of the application of the provision in
127 30 subsection 3 of this section relating to availability for
127 31 work, and an active search for work or the provision of
127 32 section 96.5, subsection 3, relating to failure to apply for
127 33 or a refusal to accept suitable work. However, an employer's
127 34 account shall not be charged with benefits so paid.

127 35 b. (1) An otherwise eligible individual shall not be
128 1 denied benefits for a week because the individual is in
128 2 training approved under 19 U.S.C. } 2296(a), as amended by

128 3 section 2506 of the federal Omnibus Budget Reconciliation Act
128 4 of 1981, because the individual leaves work which is not
128 5 suitable employment to enter the approved training, or because
128 6 of the application of subsection 3 of this section or section
128 7 96.5, subsection 3, or a federal unemployment insurance law
128 8 administered by the department relating to availability for
128 9 work, active search for work, or refusal to accept work.
128 10 (2) For purposes of this paragraph, "suitable employment"
128 11 means work of a substantially equal or higher skill level than
128 12 an individual's past adversely affected employment, as defined
128 13 in 19 U.S.C. } 2319(1), if weekly wages for the work are not
128 14 less than eighty percent of the individual's average weekly
128 15 wage.

128 16 Sec. 177. Section 96.6, subsection 3, Code 2007, is
128 17 amended to read as follows:

128 18 3. APPEALS.

128 19 a. Unless the appeal is withdrawn, an administrative law
128 20 judge, after affording the parties reasonable opportunity for
128 21 fair hearing, shall affirm or modify the findings of fact and
128 22 decision of the representative. The hearing shall be
128 23 conducted pursuant to the provisions of chapter 17A relating
128 24 to hearings for contested cases. Before the hearing is
128 25 scheduled, the parties shall be afforded the opportunity to
128 26 choose either a telephone hearing or an in-person hearing. A
128 27 request for an in-person hearing shall be approved unless the
128 28 in-person hearing would be impractical because of the distance
128 29 between the parties to the hearing. A telephone or in-person
128 30 hearing shall not be scheduled before the seventh calendar day
128 31 after the parties receive notice of the hearing. Reasonable
128 32 requests for the postponement of a hearing shall be granted.
128 33 The parties shall be duly notified of the administrative law
128 34 judge's decision, together with the administrative law judge's
128 35 reasons for the decision, which is the final decision of the
129 1 department, unless within fifteen days after the date of
129 2 notification or mailing of the decision, further appeal is
129 3 initiated pursuant to this section.

129 4 b. Appeals from the initial determination shall be heard
129 5 by an administrative law judge employed by the department. An
129 6 administrative law judge's decision may be appealed by any
129 7 party to the employment appeal board created in section
129 8 10A.601. The decision of the appeal board is final agency
129 9 action and an appeal of the decision shall be made directly to
129 10 the district court.

129 11 Sec. 178. Section 96.9, subsection 2, Code Supplement
129 12 2007, is amended to read as follows:

129 13 2. ACCOUNTS AND DEPOSITS.

129 14 a. The state treasurer shall be ex officio treasurer and
129 15 custodian of the fund and shall administer such fund in
129 16 accordance with the directions of the department. The
129 17 director of the department of administrative services shall
129 18 issue warrants upon the fund pursuant to the order of the
129 19 department and such warrants shall be paid from the fund by
129 20 the treasurer.

129 21 b. The treasurer shall maintain within the fund three
129 22 separate accounts:

129 23 a. (1) A clearing account.

129 24 b. (2) An unemployment trust fund account.

129 25 c. (3) A benefit account.

129 26 c. All moneys payable to the unemployment compensation
129 27 fund and all interest and penalties on delinquent
129 28 contributions and reports shall, upon receipt thereof by the
129 29 department, be forwarded to the treasurer who shall
129 30 immediately deposit them in the clearing account, but the
129 31 interest and penalties on delinquent contributions and reports
129 32 shall not be deemed to be a part of the fund. Refunds of
129 33 contributions payable pursuant to section 96.14 shall be paid
129 34 by the treasurer from the clearing account upon warrants
129 35 issued by the director of the department of administrative
130 1 services under the direction of the department. After
130 2 clearance thereof, all other moneys in the clearing account,
130 3 except interest and penalties on delinquent contributions and
130 4 reports, shall be immediately deposited with the secretary of
130 5 the treasury of the United States to the credit of the account
130 6 of this state in the unemployment trust fund, established and
130 7 maintained pursuant to section 904 of the Social Security Act
130 8 as amended, any provisions of law in this state relating to
130 9 the deposit, administration, release or disbursement of moneys
130 10 in the possession or custody of this state to the contrary
130 11 notwithstanding. Interest and penalties on delinquent
130 12 contributions and reports collected from employers shall be
130 13 transferred from the clearing account to the special

130 14 employment security contingency fund. The benefit account
130 15 shall consist of all moneys requisitioned from this state's
130 16 account in the unemployment trust fund for the payment of
130 17 benefits. Except as herein otherwise provided, moneys in the
130 18 clearing and benefit account may be deposited by the
130 19 treasurer, under the direction of the department, in any bank
130 20 or public depository in which general funds of the state may
130 21 be deposited, but no public deposit insurance charge or
130 22 premium shall be paid out of the fund. The treasurer shall
130 23 give a separate bond conditioned upon the faithful performance
130 24 of the treasurer's duties as custodian of the fund in an
130 25 amount fixed by the governor and in form and manner prescribed
130 26 by law. Premiums for said bond shall be paid from the
130 27 administration fund.

130 28 d. Interest paid upon the moneys deposited with the
130 29 secretary of the treasury of the United States shall be
130 30 credited to the unemployment compensation fund.

130 31 Sec. 179. Section 96.11, subsections 3 and 10, Code
130 32 Supplement 2007, are amended to read as follows:

130 33 3. PUBLICATIONS.

130 34 a. The director shall cause to be printed for distribution
130 35 to the public the text of this chapter, the department's
131 1 general rules, its annual reports to the governor, and any
131 2 other material the director deems relevant and suitable and
131 3 shall furnish the same to any person upon application
131 4 therefor.

131 5 b. The department shall prepare and distribute to the
131 6 public as labor force data, only that data adjusted according
131 7 to the current population survey and other nonlabor force
131 8 statistics which the department determines are of interest to
131 9 the public.

131 10 10. STATE=FEDERAL COOPERATION.

131 11 a. In the administration of this chapter, the department
131 12 shall cooperate with the United States department of labor to
131 13 the fullest extent consistent with the provisions of this
131 14 chapter, and shall take such action, through the adoption of
131 15 appropriate rules, regulations, administrative methods and
131 16 standards, as may be necessary to secure to this state and its
131 17 citizens all advantages available under the provisions of the
131 18 Social Security Act that relate to unemployment compensation,
131 19 the federal Unemployment Tax Act, the Wagner=Peyser Act, and
131 20 the Federal=State Extended Unemployment Compensation Act of
131 21 1970.

131 22 b. In the administration of the provisions of section
131 23 96.29 which are enacted to conform with the requirements of
131 24 the Federal=State Extended Unemployment Compensation Act of
131 25 1970, the department shall take such action as may be
131 26 necessary to insure that the provisions are so interpreted and
131 27 applied as to meet the requirements of such federal Act as
131 28 interpreted by the United States department of labor, and to
131 29 secure to this state the full reimbursement of the federal
131 30 share of extended benefits paid under this chapter that are
131 31 reimbursable under the federal Act.

131 32 c. The department shall make such reports, in such form
131 33 and containing such information as the United States
131 34 department of labor may from time to time require, and shall
131 35 comply with such provisions as the United States department of
132 1 labor may from time to time find necessary to assure the
132 2 correctness and verification of such reports; and shall comply
132 3 with the regulations prescribed by the United States
132 4 department of labor governing the expenditures of such sums as
132 5 may be allotted and paid to this state under Title III of the
132 6 Social Security Act for the purpose of assisting in
132 7 administration of this chapter.

132 8 d. The department may make its records relating to the
132 9 administration of this chapter available to the railroad
132 10 retirement board, and may furnish the railroad retirement
132 11 board such copies thereof as the railroad retirement board
132 12 deems necessary for its purposes. The department may afford
132 13 reasonable cooperation with every agency of the United States
132 14 charged with the administration of any unemployment insurance
132 15 law. The railroad retirement board or any other agency
132 16 requiring such services and reports from the department shall
132 17 pay the department such compensation therefor as the
132 18 department determines to be fair and reasonable.

132 19 Sec. 180. Section 96.14, subsection 3, Code Supplement
132 20 2007, is amended to read as follows:

132 21 3. LIEN OF CONTRIBUTIONS == COLLECTION.

132 22 a. Whenever any employer liable to pay contributions
132 23 refuses or neglects to pay the same, the amount, including any
132 24 interest, together with the costs that may accrue in addition

thereto, shall be a lien in favor of the state upon all property and rights to property, whether real or personal, belonging to said employer. An assessment of the unpaid contributions, interest and penalty shall be applied as provided in section 96.7, subsection 3, paragraphs "a" and "b", and the lien shall attach as of the date the assessment is mailed or personally served upon the employer and shall continue for ten years, or until the liability for the amount is satisfied, unless sooner released or otherwise discharged. The lien may, within ten years from the date the lien attaches, be extended for up to an additional ten years by filing a notice during the ninth year with the appropriate county official of any county. However, the department may release any lien, when after diligent investigation and effort it determines that the amount due is not collectible.

b. In order to preserve the aforesaid lien against subsequent mortgagees, purchasers or judgment creditors, for value and without notice of the lien, on any property situated in a county, the department shall file with the recorder of the county, in which said property is located, a notice of said lien.

c. The county recorder of each county shall prepare and keep in the recorder's office an index to show the following data, under the names of employers, arranged alphabetically:

- a. (1) The name of the employer.
- b. (2) The name "State of Iowa" as claimant.
- c. (3) Time notice of lien was received.
- d. (4) Date of notice.
- e. (5) Amount of lien then due.
- f. (6) When satisfied.

d. The recorder shall endorse on each notice of lien the day, hour, and minute when received and shall index the notice in the index and shall record the lien in the manner provided for recording real estate mortgages, and the lien shall be effective from the time of the indexing of the lien.

e. The department shall pay a recording fee as provided in section 331.604, for the recording of the lien, or for its satisfaction.

f. Upon the payment of contributions as to which the department has filed notice with a county recorder, the department shall forthwith file with said recorder a satisfaction of said contributions and the recorder shall enter said satisfaction on the notice on file in the recorder's office and indicate said fact on the index aforesaid.

g. The department shall, substantially as provided in this chapter and chapter 626, proceed to collect all contributions as soon as practicable after they become delinquent, except that no property of the employer is exempt from payment of the contributions.

h. If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due may be collected by civil action in the name of the department and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the workers' compensation law of this state.

i. It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken by the department shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy provided by law.

j. The courts of this state shall recognize and enforce liabilities for unemployment contributions, penalties, interest, and benefit overpayments imposed by other states which extend a like comity to this state. The department may sue in the courts of any other jurisdiction which extends such comity to collect unemployment contributions, penalties, interest, and benefit overpayments due this state. The officials of other states which, by statute or otherwise, extend a like comity to this state may sue in the district court to collect for such contributions, penalties, interest, and benefit overpayments. In any such case the director, as agent for and on behalf of any other state, may institute and conduct such suit for such other state. Venue of such proceedings shall be the same as for actions to collect

135 1 delinquent contributions, penalties, interest, and benefit
135 2 overpayments due under this chapter. A certificate by the
135 3 secretary of any such state attesting the authority of such
135 4 official to collect the contributions, penalties, interest,
135 5 and benefit overpayments, is conclusive evidence of such
135 6 authority. The requesting state shall pay the court costs.
135 7 k. If a political subdivision or a political subdivision
135 8 instrumentality becomes delinquent in the payment of
135 9 contributions, any payments owed as a government employer,
135 10 penalty, interest and costs for more than two calendar
135 11 quarters, the amount of such delinquency shall be deducted
135 12 from any further moneys due the employer by the state. Such
135 13 deduction shall be made by the director of the department of
135 14 administrative services upon certification of the amount due.
135 15 A copy of the certification will be mailed to the employer.
135 16 l. If an amount due from a governmental entity of this
135 17 state remains due and unpaid for a period of one hundred
135 18 twenty days after the due date, the director shall take action
135 19 as necessary to collect the amount and shall levy against any
135 20 funds due the governmental entity from the state treasurer,
135 21 director of the department of administrative services, or any
135 22 other official or agency of this state, or against an account
135 23 established by the entity in any bank. The official, agency,
135 24 or bank shall deduct the amount certified by the director from
135 25 any accounts or deposits or any funds due the delinquent
135 26 governmental entity without regard to any prior claim and
135 27 shall promptly forward the amount to the director for the
135 28 fund. However, the director shall notify the delinquent
135 29 entity of the director's intent to file a levy by certified
135 30 mail at least ten days prior to filing the levy on any funds
135 31 due the entity from any state official or agency.
135 32 Sec. 181. Section 96.16, subsection 5, Code 2007, is
135 33 amended to read as follows:
135 34 5. EXPERIENCE AND TAX RATE AVOIDANCE.
135 35 a. If a person knowingly violates or attempts to violate
136 1 section 96.7, subsection 2, paragraph "b", subparagraph (2) or
136 2 (3), with respect to a transfer of unemployment experience, or
136 3 if a person knowingly advises another person in a way that
136 4 results in a violation of such subparagraph, the person shall
136 5 be subject to the penalties established in this subsection.
136 6 If the person is an employer, the employer shall be assigned a
136 7 penalty rate of contribution of two percent of taxable wages
136 8 in addition to the regular contribution rate assigned for the
136 9 year during which such violation or attempted violation
136 10 occurred and for the two rate years immediately following. If
136 11 the person is not an employer, the person shall be subject to
136 12 a civil penalty of not more than five thousand dollars for
136 13 each violation which shall be deposited in the unemployment
136 14 trust fund, and shall be used for payment of unemployment
136 15 benefits. In addition to any other penalty imposed in this
136 16 subsection, violations described in this subsection shall also
136 17 constitute an aggravated misdemeanor.
136 18 b. For purposes of this subsection, ~~"knowingly":~~
136 19 (1) "Knowingly" means having actual knowledge of or acting
136 20 with deliberate ignorance of or reckless disregard for the
136 21 requirement or prohibition involved. ~~For purposes of this~~
136 22 ~~subsection, "violates~~
136 23 (2) "Violates or attempts to violate" includes, but is not
136 24 limited to, the intent to evade, misrepresentation, and
136 25 willful nondisclosure.
136 26 Sec. 182. Section 96.19, subsection 18, paragraph a,
136 27 subparagraphs (3) and (7), Code 2007, are amended to read as
136 28 follows:
136 29 (3) (a) Any individual other than an individual who is an
136 30 employee under subparagraphs (1) or (2) who performs services
136 31 for remuneration for any person as an agent driver or
136 32 commission driver engaged in distributing meat products,
136 33 vegetable products, fruit products, bakery products, beverages
136 34 (other than milk), or laundry or dry cleaning services for the
136 35 individual's principal; as a traveling or city salesperson,
137 1 other than as an agent driver or commission driver, engaged
137 2 upon a full-time basis in the solicitation on behalf of, and
137 3 the transmission to, the individual's principal (except for
137 4 sideline sales activities on behalf of some other person) of
137 5 orders from wholesalers, retailers, contractors, or operators
137 6 of hotels, restaurants, or other similar establishments for
137 7 merchandise for resale or supplies for use in their business
137 8 operations.
137 9 (b) Provided, that for purposes of ~~paragraph "a", this~~
137 10 subparagraph (3), the term "employment" shall include services
137 11 performed after December 31, 1971, only if:

137 12 ~~(a)~~ (i) The contract of service contemplates that
137 13 substantially all of the services are to be performed
137 14 personally by such individual;
137 15 ~~(b)~~ (ii) The individual does not have a substantial
137 16 investment in facilities used in connection with the
137 17 performance of the services (other than in facilities for
137 18 transportation); and
137 19 ~~(c)~~ (iii) The services are not in the nature of single
137 20 transaction that is not part of a continuing relationship with
137 21 the person for whom the services are performed.

137 22 (7) (a) A person in agricultural labor when such labor is
137 23 performed for an employing unit which during any calendar
137 24 quarter in the calendar year or the preceding calendar year
137 25 paid remuneration in cash of twenty thousand dollars or more
137 26 to individuals employed in agricultural labor excluding labor
137 27 performed before January 1, 1980, by an alien referred to in
137 28 this subparagraph; or on each of some twenty days during the
137 29 calendar year or the preceding calendar year, each day being
137 30 in a different calendar week, employed in agricultural labor
137 31 for some portion of the day ten or more individuals, excluding
137 32 labor performed before January 1, 1980, by an alien referred
137 33 to in this subparagraph; and such labor is not agricultural
137 34 labor performed before January 1, 1980, by an individual who
137 35 is an alien admitted to the United States to perform
138 1 agricultural labor pursuant to sections 214(c) and
138 2 101(a)(15)(H) of the Immigration and Nationality Act, 8 U.S.C.
138 3 } 1184(c), 1101(a)(15)(H) (1976). For purposes of this
138 4 subparagraph subdivision, "employed" shall not include
138 5 services performed by agricultural workers who are aliens
138 6 admitted to the United States to perform labor pursuant to
138 7 section 101(a)(15)(H)(ii)(a) of the Immigration and
138 8 Nationality Act and who are not covered under the Federal
138 9 Unemployment Tax Act.

138 10 (b) For purposes of this subparagraph, any individual who
138 11 is a member of a crew furnished by a crew leader to perform
138 12 agricultural labor for any other employing unit shall be
138 13 treated as an employee of such crew leader if such crew leader
138 14 holds a valid certificate of registration under the Farm Labor
138 15 Contractor Registration Act of 1963; or substantially all the
138 16 members of such crew operate or maintain tractors, mechanized
138 17 harvesting or cropdusting equipment, or any other mechanized
138 18 equipment, which is provided by such crew leader; and if such
138 19 individual is not otherwise in employment as defined in this
138 20 subsection.

138 21 (c) For purposes of this subparagraph (7), in the case of
138 22 any individual who is furnished by a crew leader to perform
138 23 agricultural labor for any other employing unit and who is not
138 24 treated as an employee of such crew leader as described above,
138 25 such other employing unit and not the crew leader shall be
138 26 treated as the employer of such individual; and such other
138 27 employing unit shall be treated as having paid cash
138 28 remuneration to such individual in an amount equal to the
138 29 amount of cash remuneration paid to such individual by the
138 30 crew leader either on the crew leader's behalf or on behalf of
138 31 such other employing unit for the agricultural labor performed
138 32 for such other employing unit.

138 33 (d) For purposes of this ~~subsection~~ subparagraph (7), the
138 34 term "crew leader" means an employing unit which furnishes
138 35 individuals to perform agricultural labor for any other
139 1 employing unit; pays, either on the crew leader's behalf or on
139 2 behalf of such other employing unit, the individuals so
139 3 furnished by the crew leader for the agricultural labor
139 4 performed by them; and has not entered into a written
139 5 agreement with such other employing unit under which such
139 6 individual is designated as an employee of such other
139 7 employing unit.

139 8 Sec. 183. Section 96.19, subsection 38, paragraph b, Code
139 9 2007, is amended to read as follows:

139 10 b. An individual shall be deemed partially unemployed in
139 11 any week in which ~~while either of the following apply:~~

139 12 (1) While employed at the individual's then regular job,
139 13 the individual works less than the regular full-time week and
139 14 in which the individual earns less than the individual's
139 15 weekly benefit amount plus fifteen dollars.

139 16 ~~(2) An individual shall be deemed partially unemployed in~~
139 17 ~~any week in which the~~ The individual, having been separated
139 18 from the individual's regular job, earns at odd jobs less than
139 19 the individual's weekly benefit amount plus fifteen dollars.

139 20 Sec. 184. Section 97A.8, subsection 3, Code 2007, is
139 21 amended to read as follows:

139 22 3. EXPENSE FUND.

139 23 a. The expense fund shall be the fund to which shall be
139 24 credited all money provided by the state of Iowa to pay the
139 25 administration expenses of the system and from which shall be
139 26 paid all the expenses necessary in connection with the
139 27 administration and operation of the system. Biennially the
139 28 board of trustees shall estimate the amount of money necessary
139 29 to be paid into the expense fund during the ensuing biennium
139 30 to provide for the expense of operation of the system.
139 31 Investment management expenses shall be charged to the
139 32 investment income of the system and there is appropriated from
139 33 the system an amount required for the investment management
139 34 expenses. The board of trustees shall report the investment
139 35 management expenses for the fiscal year as a percent of the
140 1 market value of the system.

140 2 b. For purposes of this subsection, investment management
140 3 expenses are limited to the following:

140 4 a. (1) Fees for investment advisors, consultants, and
140 5 investment management and benefit consultant firms hired by
140 6 the board of trustees in administering this chapter.

140 7 b. (2) Fees and costs for safekeeping fund assets.

140 8 c. (3) Costs for performance and compliance monitoring,
140 9 and accounting for fund investments.

140 10 d. (4) Any other costs necessary to prudently invest or
140 11 protect the assets of the fund.

140 12 Sec. 185. Section 97B.1A, subsection 8, paragraph a,
140 13 subparagraph (2), Code 2007, is amended to read as follows:

140 14 (2) Members of the general assembly of Iowa and temporary
140 15 employees of the general assembly of Iowa.

140 16 (a) A member of the general assembly covered under this
140 17 chapter may terminate membership under this chapter by
140 18 informing the system in writing of the member's intent to
140 19 terminate membership.

140 20 (b) Temporary employees of the general assembly covered
140 21 under this chapter may terminate membership by sending written
140 22 notification to the system of their separation from service.

140 23 Sec. 186. Section 97B.70, subsection 1, paragraph b, Code
140 24 2007, is amended to read as follows:

140 25 b. The interest dividend shall be determined within sixty
140 26 days after the end of each calendar year as follows:

140 27 (1) The dividend rate for a calendar year shall be the
140 28 excess of the average rate of interest earned for the year
140 29 over the statutory two percent rate plus twenty-five
140 30 hundredths of one percent.

140 31 (2) The average rate of interest earned and the interest
140 32 dividend rate in percent shall be calculated to the nearest
140 33 one hundredth, that is, to two decimal places.

140 34 (3) Interest and interest dividends calculated pursuant to
140 35 this subsection shall be compounded annually.

141 1 Sec. 187. Section 99B.1, subsection 13, Code Supplement
141 2 2007, is amended to read as follows:

141 3 13. a. "Eligible applicant" means an applicant who meets
141 4 all of the following requirements:

141 5 a. (1) The applicant's financial standing and good
141 6 reputation are within the standards established by the
141 7 department by rule under chapter 17A so as to satisfy the
141 8 director of the department that the applicant will comply with
141 9 this chapter and the rules applicable to operations under it.

141 10 b. (2) The applicant is a citizen of the United States
141 11 and a resident of this state, or a corporation licensed to do
141 12 business in this state, or a business that has an established
141 13 place of business in this state or that is doing business in
141 14 this state.

141 15 c. (3) The applicant has not been convicted of a felony.
141 16 However, if the applicant's conviction occurred more than five
141 17 years before the date of the application for a license, and if
141 18 the applicant's rights of citizenship have been restored by
141 19 the governor, the director of the department may determine
141 20 that the applicant is an eligible applicant.

141 21 b. If the applicant is an organization, then the
141 22 requirements of ~~paragraphs~~ paragraph "a", "b", and "c"
141 23 subparagraphs (1) through (3), apply to ~~its~~ the officers,
141 24 directors, partners and controlling shareholders of the
141 25 organization.

141 26 Sec. 188. Section 99B.7, subsection 3, paragraphs b and c,
141 27 Code 2007, are amended to read as follows:

141 28 b. (1) A person or the agent of a person submitting
141 29 application to conduct games pursuant to this section as a
141 30 qualified organization shall certify that the receipts of all
141 31 games, less reasonable expenses, charges, fees, taxes, and
141 32 deductions allowed by this chapter, either will be distributed
141 33 as prizes to participants or will be dedicated and distributed

141 34 to educational, civic, public, charitable, patriotic or
141 35 religious uses in this state and that the amount dedicated and
142 1 distributed will equal at least seventy-five percent of the
142 2 net receipts.

142 3 (2) (a) "Educational, civic, public, charitable,
142 4 patriotic, or religious uses" means uses benefiting a society
142 5 for the prevention of cruelty to animals or animal rescue
142 6 league, or uses benefiting an indefinite number of persons
142 7 either by bringing them under the influence of education or
142 8 religion or relieving them from disease, suffering, or
142 9 constraint, or by erecting or maintaining public buildings or
142 10 works, or otherwise lessening the burden of government, or
142 11 uses benefiting any bona fide nationally chartered fraternal
142 12 or military veterans' corporation or organization which
142 13 operates in Iowa a clubroom, post, dining room, or dance hall,
142 14 but does not include the erection, acquisition, improvement,
142 15 maintenance, or repair of real, personal or mixed property
142 16 unless it is used for one or more of the uses stated.

142 17 (b) "Public uses" specifically includes dedication of net
142 18 receipts to political parties as defined in section 43.2.

142 19 (c) "Charitable uses" includes uses benefiting a definite
142 20 number of persons who are the victims of loss of home or
142 21 household possessions through explosion, fire, flood, or storm
142 22 when the loss is uncompensated by insurance, and uses
142 23 benefiting a definite number of persons suffering from a
142 24 seriously disabling disease or injury, causing severe loss of
142 25 income or incurring extraordinary medical expense when the
142 26 loss is uncompensated by insurance.

142 27 (3) Proceeds given to another charitable organization to
142 28 satisfy the seventy-five percent dedication requirement shall
142 29 not be used by the donee to pay any expenses in connection
142 30 with the conducting of bingo by the donor organization, or for
142 31 any cause, deed, or activity that would not constitute a valid
142 32 dedication under this section.

142 33 c. (1) A qualified organization shall distribute amounts
142 34 awarded as prizes on the day they are won. A qualified
142 35 organization shall dedicate and distribute the balance of the
143 1 net receipts received within a quarter and remaining after
143 2 deduction of reasonable expenses, charges, fees, taxes, and
143 3 deductions allowed by this chapter, before the quarterly
143 4 report required for that quarter under section 99B.2,
143 5 subsection 4, is due. The amount dedicated and distributed
143 6 must equal at least seventy-five percent of the net receipts.
143 7 A person desiring to hold the net receipts for a period longer
143 8 than permitted under this paragraph shall apply to the
143 9 department for special permission and upon good cause shown
143 10 the department may grant the request.

143 11 (2) If permission is granted to hold the net receipts, the
143 12 person shall, as a part of the quarterly report required by
143 13 section 99B.2, report the amount of money currently being held
143 14 and all expenditures of the funds. This report shall be filed
143 15 even if the person no longer holds a gambling license.

143 16 Sec. 189. Section 99D.25, subsection 10, Code Supplement
143 17 2007, is amended to read as follows:

143 18 10. Veterinarians must submit daily to the commission
143 19 veterinarian on a prescribed form a report of all medications
143 20 and other substances which the veterinarian prescribed,
143 21 administered, or dispensed for horses registered at a current
143 22 race meeting. A logbook detailing other professional services
143 23 performed while on the grounds of a racetrack shall be kept by
143 24 veterinarians and shall be made immediately available to the
143 25 commission veterinarian or the stewards upon request.

143 26 11. A person who violates this section is guilty of a
143 27 class "D" felony.

143 28 Sec. 190. Section 100.1, unnumbered paragraphs 1 and 2,
143 29 Code Supplement 2007, are amended to read as follows:

143 30 The chief officer of the division of state fire marshal in
143 31 the department of public safety shall be known as the state
143 32 fire marshal. The fire marshal's duties shall be as follows:

143 33 ~~The fire marshal's duties shall be as follows:~~

143 34 Sec. 191. Section 101.22, subsection 7, Code 2007, is
143 35 amended to read as follows:

144 1 7. It is unlawful to deposit petroleum in an aboveground
144 2 petroleum storage tank which has not been registered pursuant
144 3 to subsections 1 through 4.

144 4 8. The state fire marshal shall furnish the owner or
144 5 operator of an aboveground petroleum storage tank with a
144 6 registration tag for each aboveground petroleum storage tank
144 7 registered with the state fire marshal. The owner or operator
144 8 shall affix the tag to the fill pipe of each registered
144 9 aboveground petroleum storage tank. A person who conveys or

144 10 deposits petroleum shall inspect the aboveground petroleum
144 11 storage tank to determine the existence or absence of the
144 12 registration tag. If a registration tag is not affixed to the
144 13 aboveground petroleum storage tank fill pipe, the person
144 14 conveying or depositing the petroleum may deposit the
144 15 petroleum in the unregistered tank. However, the deposit is
144 16 allowed only in the single instance, that the person provides
144 17 the owner or operator with another notice as required by
144 18 subsection 5, and that the person provides the owner or
144 19 operator with an aboveground petroleum storage tank
144 20 registration form. It is the owner or operator's duty to
144 21 comply with registration requirements. A late registration
144 22 penalty of twenty-five dollars is imposed in addition to the
144 23 registration fee for a tank registered after the required
144 24 date.

144 25 DIVISION III

144 26 CONFORMING AMENDMENTS TO VOLUME I RENUMBERING

144 27 Sec. 192. Section 10B.7, unnumbered paragraph 1, Code
144 28 Supplement 2007, is amended to read as follows:
144 29 Lessees of agricultural land under section 9H.4, subsection
144 30 ~~2~~ 1, paragraph ~~"c"~~ "b", subparagraph (3), for research or
144 31 experimental purposes, shall file a biennial report with the
144 32 secretary of state on or before March 31 of each odd-numbered
144 33 year on forms adopted pursuant to chapter 17A and supplied by
144 34 the secretary of state. However, a lessee required to file a
144 35 biennial report pursuant to chapter 490, 490A, 496C, 497, 498,
145 1 499, 501, 501A, or 504 shall file the report required by this
145 2 section in the same year as required by that chapter. The
145 3 lessee may file the report required by this section together
145 4 with the biennial report required to be filed by one of the
145 5 other chapters referred to in this paragraph. The report
145 6 shall contain the following information for the reporting
145 7 period:

145 8 Sec. 193. Section 11.36, subsection 1, Code Supplement
145 9 2007, is amended to read as follows:
145 10 1. The auditor of state may, at the request of a
145 11 department, review, during normal business hours upon
145 12 reasonable notice of at least twenty-four hours, the audit
145 13 working papers prepared by a certified public accountant
145 14 covering the receipt and expenditure of state or federal funds
145 15 provided by the department to any other entity to determine if
145 16 the receipt and expenditure of those funds by the entity is
145 17 consistent with the laws, rules, regulations, and contractual
145 18 agreements governing those funds. Upon completion of the
145 19 review, the auditor of state shall report whether, in the
145 20 auditor of state's judgment, the auditor of state believes the
145 21 certified public accountant's working papers adequately
145 22 demonstrate that the laws, rules, regulations, and contractual
145 23 agreements governing the funds have been substantially
145 24 complied with. If the auditor of state does not believe the
145 25 certified public accountant's working papers adequately
145 26 demonstrate that the laws, rules, regulations, and contractual
145 27 agreements have been substantially complied with or believes a
145 28 complete or partial reaudit is necessary based on the
145 29 provisions of section 11.6, subsection 4, paragraph "a" ~~or~~
145 30 ~~"b"~~, subparagraph (1) or (2), the auditor of state shall
145 31 notify the certified public accountant and the department of
145 32 the actions the auditor of state believes are necessary to
145 33 determine whether the entity is in substantial compliance with
145 34 those laws, rules, regulations, and contractual agreements.
145 35 The auditor of state may assist departments with actions to
146 1 determine whether the entity is in substantial compliance.
146 2 Departments requesting the review shall reimburse the auditor
146 3 of state for the cost of the review and any subsequent
146 4 assistance provided by the auditor of state.

146 5 Sec. 194. Section 49.13, subsection 1, Code Supplement
146 6 2007, is amended to read as follows:
146 7 1. The membership of each precinct election board shall be
146 8 appointed by the commissioner, not less than fifteen days
146 9 before each election held in the precinct, from the election
146 10 board panel drawn up as provided in section 49.15. Precinct
146 11 election officials shall be registered voters of the county,
146 12 or other political subdivision within which precincts have
146 13 been merged across county lines pursuant to section 49.11,
146 14 subsection ~~4~~ 3, paragraph "a", in which they are appointed.
146 15 Preference shall be given to appointment of residents of a
146 16 precinct to serve as precinct election officials for that
146 17 precinct, but the commissioner may appoint other residents of
146 18 the county where necessary.
146 19 Sec. 195. Section 49.16, subsection 2, Code 2007, is
146 20 amended to read as follows:

146 21 2. When all or portions of two or more precincts are
146 22 merged for any election as permitted by section 49.11,
146 23 subsection ~~4~~ 3, paragraph "a", the commissioner may appoint
146 24 the election board for the merged precinct from the election
146 25 board panels of any of the precincts so merged. When any
146 26 permanent precinct is divided as permitted by section 49.11,
146 27 subsection ~~2~~ 3, paragraph "b", the commissioner shall so far
146 28 as possible appoint the election board for each of the
146 29 temporary precincts so created from the election board panel
146 30 of the permanent precinct.

146 31 Sec. 196. Section 87.11, subsection 4, Code Supplement
146 32 2007, is amended to read as follows:

146 33 4. Notwithstanding contrary provisions of section 85.45,
146 34 any future payment of medical expenses, weekly compensation
146 35 benefits, or other payments by the commissioner of insurance
147 1 from the security given under this section, pursuant to this
147 2 chapter or chapter 85, 85A, 85B, or 86, shall be deemed an
147 3 undue expense, hardship, or inconvenience upon the employer
147 4 for purposes of a full commutation pursuant to section 85.45,
147 5 subsection ~~2~~ 1, paragraph "b".

147 6 Sec. 197. Section 96.4, subsection 3, Code 2007, is
147 7 amended to read as follows:

147 8 3. The individual is able to work, is available for work,
147 9 and is earnestly and actively seeking work. This subsection
147 10 is waived if the individual is deemed partially unemployed,
147 11 while employed at the individual's regular job, as defined in
147 12 section 96.19, subsection 38, paragraph "b", ~~unnumbered~~
147 13 ~~paragraph 1~~ subparagraph (1), or temporarily unemployed as
147 14 defined in section 96.19, subsection 38, paragraph "c". The
147 15 work search requirements of this subsection and the
147 16 disqualification requirement for failure to apply for, or to
147 17 accept suitable work of section 96.5, subsection 3 are waived
147 18 if the individual is not disqualified for benefits under
147 19 section 96.5, subsection 1, paragraph "h".

147 20 Sec. 198. Section 279.48, subsection 1, paragraph b, Code
147 21 2007, is amended to read as follows:

147 22 b. The note may bear interest at a rate to be determined
147 23 by the board of directors in the manner provided in section
147 24 74A.3, subsection 1, paragraph "a". Chapter 75 is not
147 25 applicable.

147 26 Sec. 199. Section 331.756, subsection 12, Code Supplement
147 27 2007, is amended to read as follows:

147 28 12. Submit reports as to the condition and operation of
147 29 the county attorney's office when required by the attorney
147 30 general as provided in section 13.2, subsection ~~8~~ 1, paragraph
147 31 "h".

147 32 Sec. 200. Section 515B.5, subsection 2, paragraph h, Code
147 33 2007, is amended to read as follows:

147 34 h. Request that all future payments of workers'
147 35 compensation weekly benefits, medical expenses, or other
148 1 payments under chapter 85, 85A, 85B, 86, or 87 be commuted to
148 2 a present lump sum and upon the payment of which, either to
148 3 the claimant or to a licensed insurer for purchase of an
148 4 annuity or other periodic payment plan for the benefit of the
148 5 claimant, the employer and the association shall be discharged
148 6 from all further liability for the workers' compensation
148 7 claim. Notwithstanding the provisions of section 85.45, any
148 8 future payment of medical expenses, weekly compensation
148 9 benefits, or other payment by the association under this
148 10 chapter pursuant to chapter 85, 85A, 85B, 86, or 87, is deemed
148 11 an undue expense, hardship, or inconvenience upon the employer
148 12 for purposes of a full commutation pursuant to section 85.45,
148 13 subsection ~~2~~ 1, paragraph "b", and the workers' compensation
148 14 commissioner shall fix the lump sum of the probable future
148 15 medical expenses and weekly compensation benefits capitalized
148 16 at their present value upon the basis of interest at the rate
148 17 provided in section 535.3 for court judgments and decrees.

148 18 DIVISION IV

148 19 Sec. 201. CODE EDITOR DIRECTIVE.

148 20 1. The Code editor is directed to renumber the following
148 21 Code sections in accordance with established Code section
148 22 hierarchy and correct internal references as necessary:

148 23 a. Sections 8.22, 15D.1, 28A.1, 28K.1, 29C.21, 29C.22,
148 24 152E.1, 221.1, 232.158, 232.171, 256.70, 261D.2, 272A.1,
148 25 272B.1, 307C.1, 321C.1, 321D.1, 457B.1, 473A.1, 505A.1,
148 26 692B.2, 818.1, 821.1, 907B.2, and 913.2, Code 2007.

148 27 b. Sections 152E.3 and 327K.1, Code Supplement 2007.

148 28 2. The Code editor is directed to number or renumber
148 29 provisions within the following Code sections to eliminate
148 30 unnumbered paragraphs and correct internal references as
148 31 necessary:

148 32 a. Sections 2.45, 2C.12, 6A.4, 6A.22, 6B.2, 6B.3, 6B.54,
148 33 6B.56, 7C.4A, 7D.1, 7D.6, 8A.502, 8A.504, 9C.8, 9E.6A, 9H.5,
148 34 10A.106, 12B.10C, 12C.6, 12D.1, 12D.8, 15.272, 15.329, 15.343,
148 35 15E.61, 15E.111, 15E.195, 15E.207, 16.105, 17A.6, 17A.9,
149 1 17A.17, 20.1, 20.22, 21.4, 25B.2, 28.4, 28A.10, 28B.1, 28E.23,
149 2 29B.15, 29B.28, 29B.31, 29B.40, 29B.47, 29B.50, 29B.51,
149 3 29B.53, 29B.55, 29B.63, 29B.65, 29B.91, 34A.2, 34A.8, 35C.1,
149 4 37.18, 39.2, 43.24, 43.49, 43.56, 43.67, 44.4, 47.2, 48A.19,
149 5 48A.28, 49.4, 49.47, 50.29, 50.30, 53.1, 53.3, 53.45, 68B.31,
149 6 70A.1, 70A.15, 70A.25, 80.37, 85.3, 85.35, 85A.11, 85B.8,
149 7 87.4, 89.2, 89A.8, 89B.17, 91B.1, 91C.3, 91C.7, 91E.2, 92.2,
149 8 92.6, 96.3, 96.7, 96.7A, 96.13, 96.19, 96.23, 96.29, 96.40,
149 9 97.51, 97A.6, 97A.6B, 97A.8, 97A.10, 97B.1A, 97B.8A, 97B.34A,
149 10 97B.42A, 97B.48A, 97B.49G, 97B.52, 97B.53B, 99B.2, 99B.7,
149 11 99D.13, 99F.4A, 100.39, 103A.7, 103A.9, and 103A.20, Code
149 12 2007.
149 13 b. Sections 8A.311, 8A.321, 8A.376, 8A.415, 11.2, 12C.23,
149 14 15.335, 15A.9, 15E.194, 15E.305, 22.7, 39.22, 45.1, 49.8,
149 15 52.25, 68A.402, 72.5, 80B.13, 80D.3, 96.5, 99D.5, and 103A.19,
149 16 Code Supplement 2007.

DIVISION V

EFFECTIVE DATES == APPLICABILITY

Sec. 202. EFFECTIVE DATES == APPLICABILITY.

149 20 1. The section of this Act, amending 2007 Iowa Acts,
149 21 chapter 182, section 3, being deemed of immediate importance,
149 22 takes effect upon enactment and applies retroactively to May
149 23 24, 2007.

149 24 2. The sections of this Act, amending 2007 Iowa Acts,
149 25 chapter 197, sections 33, 34, 35, 36, 38, 41, 42, and 43,
149 26 being deemed of immediate importance, take effect upon
149 27 enactment and apply effective January 1, 2009.

149 28 3. The section of this Act, amending section 104C.2,
149 29 subsection 8, as enacted by 2007 Iowa Acts, chapter 198,
149 30 section 2, takes effect July 1, 2008.

149 31 4. The sections of this Act, amending 2007 Iowa Acts,
149 32 chapter 198, sections 10, 11, and 18, take effect July 1,
149 33 2008.

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JOHN P. KIBBIE
President of the Senate

PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2320, Eighty-second General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2008

CHESTER J. CULVER
Governor